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2000

ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



Volume 24, Issue 1
January 03, 2000

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EDITOR'S NOTE: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indices are as follows:

Issue 16 - April 16, 1999: Data Through March 31, 1999
 Issue 29 - July 16, 1999: Data Through June 30, 1999
 Issue 42 - October 15, 1999: Data Through September 30, 1999
 Issue 3 - January 14, 2000: Data Through December 31, 1999 (Annual)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

1) Heading of the Part: Requirements for Businesses with Private Business Switch Service to Comply with the Emergency Telephone System Act

2) Code Citation: 83 Ill. Adm. Code 726

Section Numbers:	Proposed Action:
726.100	New Section
726.105	New Section
726.200	New Section
726.300	New Section
726.305	New Section
726.400	New Section
726.500	New Section
726.505	New Section
726.510	New Section

4) Statutory Authority: Implementing and authorized by Section 15.6 of the Emergency Telephone System Act [50 ILCS 750/15.6].

5) A Complete Description of the Subjects and Issues Involved: On August 13, 1999, Governor Ryan signed into law P.A. 91-0518, amending Section 15.6 of the Emergency Telephone System Act [50 ILCS 750/15.6]. The revision to Section 15.6 of the Act requires the Illinois Commerce Commission ("Commission") to promulgate rules by January 1, 2000 for the administration of the Section. The proposed rules provide clarification to the statute as well as set specific guidelines for private business switch operators/owners who want to establish their own private Emergency Answering Point in Illinois. The rules have taken into consideration the technical aspects as well as aspects of public safety in order to produce a suitable set of guidelines for engineering and operations.

6) Will these proposed rules replace emergency rules currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed rules contain incorporations by reference? Yes

9) Are there any other proposed rules pending on this Part? No

10) Statement of Statewide Policy Objectives: These proposed rules neither create nor expand any state mandate on units of local government, school districts, or community college districts.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed with:

Donna M. Caton
Chief Clerk

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield IL 62794-9280
Phone: (217) 785-3922

Comments should be filed with the Chief Clerk within 45 days after the date of this issue of the *Illinois Register*.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: These proposed rules will affect any small business or not for profit corporation that is also a private business switch operator in the State of Illinois.

B) Reporting, bookkeeping or other procedures required for compliance: Reporting and record keeping.

C) Types of professional skills necessary for compliance: Engineering and managerial.

13) Regulatory Agenda on which this rulemaking was summarized: These rules were not included on either of the 2 most recent agendas because the Commission did not foresee the need for these rules.

The full text of the Proposed Rules is found in the Notice of Emergency Rules on page 133 of this issue of the *Illinois Register*.

GOVERNOR'S ETHICS COMMISSION

NOTICE OF PROPOSED RULES

1) Heading of the Part: Rules Governing Commission Meetings and Hearings

2) Code Citation: 2 Ill. Adm. Code 1610

3) Section Number Proposed Action:

1610.100	New
1610.200	New
1610.210	New
1610.220	New
1610.230	New
1610.240	New
1610.250	New
1610.260	New
1610.300	New
1610.400	New

4) Statutory Authority: Implementing and authorized by the State Gift Ban Act [5 ILCS 425/55(1)].

5) A Complete Description of the Subjects and Issues Involved: This proposal is designed to set the administrative procedures for the Governor's Ethics Commission.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days of the date of this publication to:

Tracy Winter
720 Stratton Office Building
Springfield IL 62706
217/557-5414

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

GOVERNOR'S ETHICS COMMISSION

NOTICE OF PROPOSED RULES

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on an agenda because: The Commission was formed this year, had its first organizational meeting in June, and recognized the need for rulemaking at that time.

The full text of the Proposed Rulemaking begins on the next page.

GOVERNOR'S ETHICS COMMISSION
NOTICE OF PROPOSED RULES

"Complainant" shall mean that person or entity who submits a complaint to the Commission.

"Final" shall mean entered as signed by the Chairman and filed with the Commission.

"Final administrative decision" shall mean a decision subject to review by the Circuit Court under the Administrative Review Law of the Code of Civil Procedure [735 ILCS 5/Art. III] and includes only those cases in which a fine was imposed by the Commission.

"Hearing" shall mean a public hearing demanded by the respondent, conducted by the Hearing Officer, as described in 5 ILCS 425/60(f).

"Hearing officer" shall mean the independent person designated by the Commission to conduct hearings and make preliminary rulings and recommendations to the Commission.

"Meeting" shall mean a gathering of the Commission members, in person, by telephone, or by video conference, to discuss the business of the Commission in general.

"Meeting in response to a complaint" shall mean the closed meeting held on the complaint during which both parties present testimony and evidence, as described in 5 ILCS 425/60(d).

"Meeting to determine probable cause" shall mean the closed meeting held on the complaint to decide the sufficiency of a complaint and probable cause, as described in 5 ILCS 425/60(c).

"Party" shall mean the complainant or the respondent.

"Respondent" shall mean that person or entity who is alleged to have violated the State Gift Ban Act as described in a complaint.

Section 1610-200 Meetings of the Commission

- a) The Governor's Ethics Commission shall hold meetings at least annually and as called by the Chairman or any two members of the Commission. The meetings shall be held in Chicago or Springfield. Commission members shall receive written notice of a meeting at least 24 hours in advance of the meeting.
- b) Meetings and meetings to determine probable cause may be held in person, by telephone conference call, or by video conferencing if done in compliance with all applicable laws. Meetings in response to a complaint and hearings require the physical presence of all participants in the same location.
- c) Concurrence of at least four members of the Commission shall be

GOVERNOR'S ETHICS COMMISSION
NOTICE OF PROPOSED RULES

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE E: MISCELLANEOUS STATE AGENCIES
CHAPTER VI: GOVERNOR'S ETHICS COMMISSION

PART 1610
RULES GOVERNING COMMISSION MEETINGS AND HEARINGS

Section 1610.100 Definitions
1610.200 Meetings of the Commission
1610.210 General Procedural Rules for Meetings to Determine Probable Cause, Meetings in Response to a Complaint, and Hearings
1610.220 Conduct of Meetings to Determine Probable Cause
1610.230 Conduct of Meetings in Response to a Complaint
1610.240 Qualifications and Authority of the Hearing Officer
1610.250 Authority of the Commission Over Hearing Officer
1610.260 Procedural Rules and Record for Hearings
1610.300 Ex Parte Consultations
1610.400 Administrative Review

AUTHORITY: Implementing and authorized by Section 55(1) of the State Gift Ban Act [5 ILCS 425/55(1)].

SOURCE: Adopted at 24 Ill. Reg. _____, effective _____.

Section 1610.100 Definitions

For purposes of this Part:

"Clerk" shall mean a staff member of the Commission who has various duties, including, but not limited to, receiving complaints, ensuring proper notifications are made as required by law, and maintaining the official files of the Commission.

"Chairman" shall mean the person elected Chairman of the Governor's Ethics Commission.

"Commission" shall mean the Governor's Ethics Commission created by the State Gift Ban Act [5 ILCS 425].

"Complaint" shall mean a written, signed, notarized document that alleges a violation of the State Gift Ban Act by an officer or employee of the executive branch of State government under the jurisdiction of the Governor. A complaint must be on 8 1/2 x 11 paper, signed in ink by the party filing, and filed with the Office of the Commission. A complaint must also contain the address and telephone number of the complainant or, if represented, the name, business address, and telephone number of the representative.

GOVERNOR'S ETHICS COMMISSION

NOTICE OF PROPOSED RULES

required for any action to be taken by the Commission.

Section 1610.210 General Procedural Rules for Meetings to Determine Probable Cause, Meetings in Response to a Complaint, and Hearings

The following rules apply to all meetings to determine probable cause, meetings in response to a complaint, and hearings:

- a) Filing and Form of Papers
 - 1) Copies of all filed documents shall be served on the clerk of the Commission and on all known parties to proceedings, and notice of such service shall be given to the Commission.
 - 2) Whenever a time period commences upon receipt of service or notice and service is by mail, receipt shall be presumed to have occurred on the fourth day after mailing. If the last date for filing falls upon a weekend or legal holiday, the last date for filing is the first business day following such weekend or legal holiday. Filing may be by facsimile if done in accordance with all other rules in this Part.
- b) Continuances and Extensions
 - 1) The Commission, at its discretion, for good cause shown (e.g., inclement weather, illness, death), on timely written motion, after notice to the opposite party, may continue for a limited period the date of a scheduled meeting in response to a complaint or hearing.
 - 2) Motions for extensions or continuances are not timely unless asserted at least 48 hours prior to the time scheduled for meeting in response to a complaint, except for emergencies.
- c) Request for List of Witnesses and Documents

Upon timely written request made at least seven days prior to the meeting in response to complaint, either party must furnish to the other party:

 - 1) A list of names and home or work addresses of the witnesses the party proposes to call.
 - 2) All documents the party proposes to offer.
 - 3) All written or recorded statements of the party's witnesses, which may be used by an adverse party for the purpose of cross-examination.
- d) Right to Inspect and Interview

Any party or his/her representative shall have the right, upon timely written motion of seven days notice, to inspect any relevant documents in the possession of or under the control of any other party and to interview persons having knowledge of relevant facts.
- e) Stipulations

The parties to any proceeding may, by stipulation in writing filed with the Commission or entered orally into the record, agree on the facts or any part thereof involved in the proceeding. It is the policy of the Commission to encourage stipulations of fact whenever possible.

GOVERNOR'S ETHICS COMMISSION

NOTICE OF PROPOSED RULES

f) Burden of Proof

- 1) The complainant shall have the burden of proof to establish by a preponderance of evidence that the matter asserted is more probably true than not true.
- 2) When a party has the burden of proof and establishes the matter asserted by the required quantity of evidence, the party has made a prima facie case, and the burden of disproving the matter asserted goes to the opposing party by the same quantity of evidence.

Section 1610.220 Conduct of Meetings to Determine Probable Cause

- a) The Commission shall appoint an attorney to review any pending complaints and all supporting evidence of the allegations prior to a meeting to determine probable cause. Following this review, the attorney shall make a recommendation to the Commission on each complaint regarding its sufficiency and determination of probable cause.
- b) A meeting to determine probable cause shall be conducted by the Chairman, or his designee, and shall consist of a review of the complaint and all supporting evidence of the allegation.

Section 1610.230 Conduct of Meetings in Response to a Complaint

- a) The Chairman, or designee, shall conduct the meeting in response to a complaint. He/she shall open the meeting in response to a complaint by explaining the procedure to be followed in the meeting in response to a complaint.
- b) The Commission shall appoint an attorney to present the case against the respondent with the complainant. The same attorney may review the sufficiency of complaints (see Section 1610.220) and present the case against the respondent. The respondent may have the aid of counsel at his/her own expense.
- c) Each party shall be given the opportunity to make a brief opening statement identifying the issues and indicating what is to be proven. The respective parties may bring witnesses, cross-examine opposing witnesses, and present documentary and demonstrative evidence. The Chairman, or designee, may also examine the witnesses.
- e) Before closing the meeting in response to a complaint, the Chairman, or designee, may allow both parties the opportunity to make brief oral or written closing statements.

Section 1610.240 Qualifications and Authority of the Hearing Officer

- a) The Hearing Officers appointed by the Commission shall have the authority to conduct hearings in accordance with generally recognized administrative law precepts, to hold prehearing conferences, to administer oaths, to examine witnesses, and to make rulings on

GOVERNOR'S ETHICS COMMISSION

NOTICE OF PROPOSED RULES

- motions. He/she shall also have authority to rule on any substantive or procedural matter not covered within this Part, subject to the final review of the Commission.
- b) The Hearing Officers must be attorneys licensed to practice law in Illinois.

Section 1610.250 Authority of the Commission Over Hearing Officer

- a) The Commission shall hold a meeting following the conclusion of the hearing and the receipt of the recommendation of the Hearing Officer to review and rule on the recommendation of the Hearing Officer.
- b) The Commission shall have the authority to affirm, reverse, modify, or set aside in whole or in part the rulings, orders, decisions, or recommendations of the Hearing Officer.
- c) A decision shall become final on the date such decision is entered after the concurrence of at least four members at a meeting.
- d) Motions made after the proposal for decision has been forwarded to the parties shall be ruled on by the Commission prior to the rendering of the final decision, provided the motion is filed in accordance with this Part.

Section 1610.260 Procedural Rules and Record for Hearings

- a) Conduct of Hearings
- 1) The Hearing Officer shall open the hearing by explaining the procedure to be followed in the hearing. Upon motion of either party or at the discretion of the Hearing Officer, any or all witnesses may be sequestered.
 - 2) Preliminary matters such as objection to charges, disputes involving discovery, stipulation of facts and documents, and scheduling of witnesses may be resolved.
 - 3) The Commission shall appoint an attorney to present the case against the respondent with the complainant. The respondent may have the aid of counsel at his/her own expense.
 - 4) Each party shall be given the opportunity to make a brief opening statement identifying the issues and indicating what is to be proven. Each party may call witnesses to testify on his/her own behalf. All witnesses shall testify under oath or affirmation.
 - 5) The respective parties may cross-examine opposing witnesses and present documentary and demonstrative evidence. The Hearing Officer may also examine the witnesses.
 - 6) Before closing the hearing, the Hearing Officer may allow both parties the opportunity to make brief oral or written closing statements.
- b) Motions
- 1) Unless made orally on the record during a hearing, all motions shall be in writing and shall briefly state the order or relief requested and the specific grounds upon which relief is sought.

GOVERNOR'S ETHICS COMMISSION

NOTICE OF PROPOSED RULES

Motions based on a matter that does not appear on record shall be supported by affidavit.

- 2) The motion shall point out specifically the defects complained of and shall ask for appropriate relief, such as: that the action be dismissed, or that a charge be made more definite and certain in a specified particular, or that designated immaterial matter be stricken, and so forth.

c) Appearances of Witnesses

The clerk is authorized to issue subpoenas for witnesses or documents that may be required by any party. Subpoenas duces tecum shall specify the books, papers, and accounts or documents desired to be produced. The appearance of a party or State agency and/or employee of a party may be secured by merely serving the party with written notice designating the persons required to appear. For good cause shown, the Hearing Officer on motion may quash or modify any subpoena or notice.

d) Pre-Hearing Conference

1) The Hearing Officer may hold a pre-hearing conference. At the conference, the parties, or their representatives, shall appear as the Hearing Officer directs to consider the simplification of the issue, amendment to the charges, the possibility of obtaining admissions and stipulations of fact and of documents that will avoid unnecessary proof, and any other matters that may aid in the disposition of the action.

- 2) After a pre-hearing conference, the Hearing Officer shall provide all parties with a statement including any ruling on motions or other actions taken, any agreements made by the parties as to any of the matters considered, and the issues still to be considered at the hearing.

e) Hostile Witnesses

If the Hearing Officer determines that a witness is hostile or unwilling, the witness may be examined by the party calling him/her as if under cross-examination. The party calling an occurrence witness may, upon showing that he/she called the witness in good faith but is surprised by his/her testimony, impeach the witness by proof of prior inconsistent statements.

f) Failure to Comply with Orders or Rules

If a party, or any person at the instance of or in collusion with a party, unreasonably refuses or fails to comply with this Part, or with any order of the Hearing Officer, the Hearing Officer may enter an adverse finding, order, or decision as may be necessary to ensure just disposition of the matter.

g) Evidence

- 1) Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The rules of evidence and privilege as applied in civil cases in the circuit courts of Illinois shall be followed. However, evidence not admissible under those rules of evidence may be admitted (except where precluded by statute) if it is of a

GOVERNOR'S ETHICS COMMISSION

NOTICE OF PROPOSED RULES

type commonly relied upon by reasonably prudent persons in the conduct of their affairs.

- 2) Objections to evidentiary offers may be made and shall be ruled upon by the Hearing Officer and noted in the record.

- h) Record of Proceedings
Whenever a hearing is held under the Act or this Part, it shall be recorded by stenographic or other means that adequately preserves the record. The Commission may order that the recording be transcribed. The Commission shall bear the costs of the stenographer. The parties or the Commission may order copies of the transcript at their own expense; however, if the matter is appealed under the Administrative Review Law, the Commission shall bear the cost of the transcript.

- i) Proposal for Decision
The Hearing Officer shall prepare a proposal for decision that shall be forwarded to each Commission member and the clerk of the Commission within two business days after the conclusion of the hearing.

Section 1610.300 Ex Parte Consultations

- a) Except in the disposition of matters that they are authorized by law to entertain or dispose of on an ex parte basis, neither the Hearing Officer, the Commission members, nor Commission staff shall, after notice of a meeting in response to a complaint in a contested case, communicate, directly or indirectly, in connection with any issue of fact, with any person or party, or in connection with any other issue with any party or the party's representative, except upon notice and opportunity for all parties to participate.
- b) Communications regarding procedure, such as, but not limited to, format of pleadings, number of copies required, manner of service, status of proceedings, and continuances, are not considered to be ex parte communications. However, requests for continuances shall not be granted until the opposing party is notified either orally or in writing that a request is going to be made and has an opportunity to respond to that request.

Section 1610.400 Administrative Review

When the Commission renders a final administrative decision, any party affected by that decision is entitled to have the decision reviewed by the Circuit Court under the Administrative Review Law of the Code of Civil Procedure [735 ILCS 5/Art. III] by filing a complaint and causing the issuance of summons on the Commission within 35 calendar days from the date that a copy of the decision to be reviewed was served on the affected party.

GUARDIANSHIP AND ADVOCACY COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Legal Advocacy Service

- 2) Code Citation: 59 Ill. Adm. Code 350

- 3) Section Numbers:
350.100 Amendment
350.105 Amendment
350.110 Amendment
350.120 Amendment
350.135 Amendment
350-Appendix A Amendment

- 4) Statutory Authority: Implementing and authorized by the Guardianship and Advocacy Act (20 ILCS 995).

- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments would update the sliding fee schedule for legal services performed by the Legal Advocacy Service.

- 6) Will these proposed amendments replace emergency rules currently in effect? No

- 7) Does this rulemaking contain an automatic appeal date? No

- 8) Do these proposed amendments contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this part? No

- 10) Statement of Statewide Policy Objectives (if applicable): The proposed amendments will have no impact upon units of local government.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Jeff Plesko

Director of the Legal Advocacy Service
Illinois Guardianship and Advocacy Commission
Egyptian Regional Office
#7 Cottage Drive
Anna, Illinois 62906-1669
Telephone: 618/833-4897

All written comments received within 45 days of this issue of the *Illinois Register* will be considered.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and non profit

GUARDIANSHIP AND ADVOCACY COMMISSION

NOTICE OF PROPOSED AMENDMENTS

corporations affected: The proposed amendments will have no impact on small business, etc.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 1999

The full text of the Proposed Amendments begins on the next page:

ILLINOIS REGISTER

GUARDIANSHIP AND ADVOCACY COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 59: MENTAL HEALTH

CHAPTER III: GUARDIANSHIP AND ADVOCACY COMMISSION

PART 350

LEGAL ADVOCACY SERVICE

Section	Authority and Purpose
350.100	Definitions
350.105	Legal Services Without Charge
350.110	Fees for Legal Services
350.115	Sliding Fee Schedule (See Appendix A)
350.120	Maximum Fees
350.125	Postponement of Fee Payment
350.130	Payment of Fees
350.135	Sliding Fee Schedule for Legal Services
APPENDIX A	

AUTHORITY: Implementing and authorized by the Guardianship and Advocacy Act [20 ILCS 3955].

SOURCE: Adopted at 8 Ill. Reg. 17286, effective September 10, 1984; amended at 24 Ill. Reg. _____, effective _____.

Section 350.100 Authority and Purpose

a) Authority

The Legal Advocacy Service is a division of the Guardianship and Advocacy Commission and is statutorily charged with the duty to make available legal counsel to persons with disabilities in judicial proceedings arising out of the Mental Health and Developmental Disabilities Code ~~relating to legal counsel to handicapped persons in judicial proceedings arising out of the Mental Health and Developmental Disabilities Code~~, or related laws, local, State, State or Federal. [20 ILCS 3955/10] ~~(Ill. Rev. Stat. 1987, ch. 91-1/27, pars. 701-et-seq.)~~ The Guardianship and Advocacy Act [20 ILCS 3955] (the Act) further charges that the Commission shall evaluate an eligible person's ability to pay for legal advocacy services received and charge fees for those services.

b) Purpose

The purpose of this Part is to establish the procedures to be used in assessing fees for legal advocacy services.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 350.105 Definitions

The following definitions shall apply to this Part rulemaking:

GUARDIANSHIP AND ADVOCACY COMMISSION

NOTICE OF PROPOSED AMENDMENTS

"Adjusted income" is the difference between income and the following expenses: child care and court-ordered child support payments, special education services for the client or dependents, for example: speech pathology and audiology, psychological services, physical and occupational therapy, recreation, early identification and assessment of disabilities in children, counseling services, medical services, transportation, school health services, social work services, and parent counseling and training, expenses related to obtaining or maintaining employment which are not reimbursed by the employer, medical or dental expenses, including equipment costs (wheelchairs, guide dogs, etc.), expenses of attendant care, and 20 percent of salary to cover expenses for taxes, social security and mandatory retirement deductions.

"Eligible clients" are "individuals who have received, are receiving, have requested, or may be in need of mental health services", or are "developmentally disabled" as defined in the federal "Developmental Disabilities Services and Facilities Construction Act", [42 USC 4956c-6001(7)] (#9757), or any "person persons with one or more disabilities disabled" as defined in the Disabled Persons Rehabilitation Act [20 USC 2405] "An Act in Relation to Vocational Rehabilitation of Disabled Persons", --111--Rev--Stat--1983--ch--237--par--3439, as provided in Section 2(g) of the Guardianship and Advocacy Act, [20 ILCS 3955/2(g)] (111--Rev--Stat--1983--ch--91--37--par--70279).

"Family unit" means the client, the spouse, dependents, and, parents of minor clients.

"Income" means all financial assistance or resources, but not non-liquid assets, available to the client. Assets that will which shall be regarded as financial resources in calculating income include cash, savings, checking accounts, stocks, bonds, and pensions.

"Legal services Services" or "legal advocacy services" means legal counsel and representation to eligible persons in judicial proceedings arising out of the Mental Health and Developmental Disabilities Codey [405 ILCS 5] 111--Rev--Stat--1987--ch--91--37--par--1480--et--seq., including but not limited to admission, civil commitment, and legal competency and discharge, and to enforce rights or duties arising out of any mental health or related laws, local, State state, or federal.

"Minor" means a person under 18 years of age.

"Non-liquid assets" means real estate and that personal property which does not meet the definition of income.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

GUARDIANSHIP AND ADVOCACY COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Section 350.110 Legal Services Without Charge

The Legal Advocacy Service shall provide free services to persons otherwise "eligible" for legal services: 7

- a) whose income is limited to Supplemental Security Income (SSI), Social Security, Temporary Assistance to Needy Families (TANF) Aid--to Families--with--dependent--Children--(AFDC), or general assistance benefits; 7 or
- b) whose adjusted income does not exceed 150% of the federal official poverty level threshold for nonfarm families (64 Fed. Reg. 13428, March 18, 1999 49--Reg--751--et--seq--February--27--1994); 7 or
- c) pursuant to a court appointment or determination of indigency.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 350.120 Sliding Fee Schedule (See Appendix A)

- a) The Legal Advocacy Service shall charge \$40 30 an hour for each hour spent at court or administrative hearings and \$30 20 for each hour otherwise spent in preparation or other representation of a the client whose adjusted income exceeds, but is less than or equal to twice, 150% of the federal official poverty level threshold.
- b) The Legal Advocacy Service shall charge \$50 40 an hour for each hour spent at court or administrative hearings and \$40 30 for each hour spent in preparation or other representation of a the client whose adjusted income exceeds twice, but is less than or equal to three times, 150% of the federal official poverty level threshold.
- c) The Legal Advocacy Service shall charge \$60 50 an hour for each hour spent at court or administrative hearings and \$50 40 for each hour spent in preparation or other representation of a the client whose adjusted income exceeds three times 150% of the federal official poverty level threshold.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 350.135 Payment of Fees

- a) Written Notice
No client shall be charged a fee for legal services unless given written notice that fees will be charged prior to the provision of legal assistance.
- b) Billing
The Legal Advocacy Service shall bill the client for legal services rendered at least every six months, except as provided in section 350.130 of this Part.
- c) Suspension of Services for Nonpayment

GUARDIANSHIP AND ADVOCACY COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Legal services shall be terminated or suspended if the client does not remit payment within six months after of billing, consistent with Rule 1.16 of the Illinois Rules of Professional Conduct (Supreme Court Rules, REC 1.116). ~~Section 2-110 of the Code of Professional Responsibility (111v-Rev--Stat--1993--ch--110A--Canon--2-110--)~~ The Legal Advocacy Service Director shall determine whether legal services shall be terminated or suspended and notify the client in writing. At the request of the client or the client's legal representative, the ~~Commission~~ Director of the Commission shall review the Legal Advocacy Service Director's decision, render a written decision, and notify the client within 30 days. At the request of the client or the client's legal representative, the ~~Commission~~ Commission Chairperson shall review the Director of the Commission's decision, render a written decision and notify the client within 30 days. The client and the client's legal representative may submit additional information to the Director of the Commission ~~Commission--director~~ and Chairperson during their review.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

GUARDIANSHIP AND ADVOCACY COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Section 350.APPENDIX A Sliding Fee Schedule for Legal Services

Cite as: 59 Ill. Adm. Code 350.Appendix A

Fee (Court/non-court time)	-0-		\$40/\$30		\$50/\$40		\$60/\$50	
	Maximum Income	Maximum Income	Maximum Income	Maximum Income	Maximum Income	Maximum Income	Maximum Income	Maximum Income
Size of Family Unit								
1	\$12,360	\$24,720	\$37,080	\$49,440	\$61,800	\$74,160	\$86,520
2	16,590	33,180	49,770	66,360	82,950	99,540	116,130
3	20,820	41,640	62,460	83,280	104,100	124,920	145,740
4	25,050	50,100	75,150	100,200	125,250	150,300	175,350
5	29,280	58,560	87,840	117,120	146,400	175,680	204,960
6	33,510	67,020	100,530	134,040	167,580	201,120	234,660
7	37,740	75,480	113,220	151,680	184,320	216,960	249,740
8	41,970*	83,940*	125,910*	167,880*	209,820*	241,740*	273,660*

* For family units with more than 8 members, add \$2820 for each additional member in a family.

Fee-(court/non-court-time)-0-

Size of Family Unit	\$30/\$20		\$40/\$30		\$50/\$40		\$60/\$50	
	Maximum Income	Maximum Income	Maximum Income	Maximum Income	Maximum Income	Maximum Income	Maximum Income	Maximum Income
1	\$7,470	\$14,940	\$22,410	\$29,880	\$37,350	\$44,820	\$52,290
2	10,000	20,000	30,000	40,000	50,000	60,000	70,000
3	12,690	25,380	38,070	50,760	63,450	76,140	88,830
4	15,380	30,760	46,140	61,520	76,900	92,280	107,660
5	17,910	35,820	53,730	71,610	89,520	107,410	125,300
6	20,520	41,040	61,560	82,080	102,600	123,120	143,640
7	23,130	46,260	69,390	93,180	116,580	139,960	163,340
8	27,740*	55,480**	83,220***	110,640***	137,820***	164,940***	192,060***

*For--family--units--with--more--than--6--members--add--\$2610--for--each additional--member--in--a--family;

**For--family--units--with--more--than--6--members--add--\$5220--for--each additional--member--in--a--family;

***For--family--units--with--more--than--6--members--add--\$7830--for--each additional--member--in--a--family;

(Source: Amended at 24 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Eligibility2) Code Citation: 89 Ill. Adm. Code 6823) Section Numbers: Proposed Action:

682.220	Amend
682.240	Repeal
682.250	Repeal
682.260	Repeal
682.500	Amend
682.510	Repeal
682.520	Amend

4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

5) A Complete Description of the Subjects and Issues Involved: This rulemaking amends and repeals Sections of this Part. These revisions eliminate the "cost sharing" provision of the rule. The repeal of this practice will have little impact, since only a small number of current HSP customers are still in this status. Other amendments are being made to clarify that rate increases must be the result of ORS actions and must have ORS approval. A provision is also being added to allow the Associate Director of DHS-ORS to temporarily increase the Service Cost Maximums when rates are increased by actions of DHS-ORS or by statute. This amendment will eliminate the need for an annual emergency rulemaking.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No7) Does this rulemaking contain an automatic repeal date? No8) Does this rulemaking contain incorporations by reference? No9) Are there any other amendments pending on this Part? No10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

3rd Floor Harris Bldg.
Springfield IL 62762
(217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking was not anticipated at the time the 1999 Regulatory Agenda was developed.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER d: HOME SERVICES PROGRAMPART 682
ELIGIBILITY

SUBPART A: GENERAL APPLICABILITY

Section
682.10 General Applicability

SUBPART B: NON-FINANCIAL ELIGIBILITY CRITERIA

Section
682.100 General Eligibility Criteria

SUBPART C: FINANCIAL ELIGIBILITY CRITERIA

Section
682.200 Assets Limitation
682.210 Transfer of Assets
682.220 Exempt Assets
682.230 Assets Held in Joint Ownership
682.240 Income Allowances (Repealed)
682.250 Cost Sharing Provisions (Repealed)
682.260 General Exceptions to Cost Share Provisions (Repealed)

SUBPART D: EFFECT OF OTHER SERVICES ON HSP

Section
682.300 Effect of Other Services on HSP

SUBPART E: REDETERMINATION OF ELIGIBILITY

Section
682.400 Redetermination Requirements
682.410 Redetermination Time Frames

SUBPART F: GRANDFATHERING PROVISIONS

Section
682.500 Exceptions to Eligibility Standards
682.510 Exceptions to Cost Sharing Provisions (Repealed)
682.520 Exceptions to Service Cost Maximums

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act
[20 ILCS 2405/3].

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

SOURCE: Adopted at 19 Ill. Reg. 5070, effective March 21, 1995; amended at 20 Ill. Reg. 6307, effective April 18, 1996; amended at 20 Ill. Reg. 15749, effective December 3, 1996; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 22 Ill. Reg. 2226, effective January 12, 1998; amended at 23 Ill. Reg. 3981, effective March 19, 1999; amended at 23 Ill. Reg. 14450, effective December 6, 1999; amended at 24 Ill. Reg. _____, effective _____.

SUBPART C: FINANCIAL ELIGIBILITY CRITERIA

Section 682.220 Exempt Assets

For the purpose of determining the amount of the individual's assets, as described in Section 682.200, the following assets shall be considered to be exempt and not counted:

- a) the individual's primary residence, including its furnishings and contents and all contiguous property on which it is situated;
- b) vehicles, except those used primarily for recreation;
- c) personal property;
- d) business or farming equipment which is necessary for the production of income;
- e) life insurance including:
 - 1) group life insurance held as a condition of employment or provided by an employer;
 - 2) a prepaid burial plan with a value of up to \$1,500; and/or
 - 3) any life insurance policy with cash value, or redeemable face value of \$2000, or less; and
- f) the principal of a trust if the trust document establishing the trust specifically states the principal cannot be impaired. HSP administration must be involved in any determination involving trust funds; and
- g) In the case of a minor customer (Section 682.200(b)), the parents' pension funds are exempt assets. "Pension funds" are defined as funds held in individual retirement accounts (IRA) or in work-related pension plans or plans for self-employed individuals.

(Source: Amended at 24 Ill. Reg. _____, effective _____.)

Section 682.240 Income Allowances (Repealed)

The customer and his/her family must meet the income guidelines for HSP or--the customer will--be required to contribute a portion of the cost of the HSP services received (see Section 682.250).

(Source: Repealed at 24 Ill. Reg. _____, effective _____.)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

Section 682.250 Cost Sharing Provisions (Repealed)

- a) If the customer and his/her family have income in excess of the income guidelines for a family the size of the customer's, the customer must participate in the cost of services in order to receive services through the HSP.
- b) The amount of the cost share shall be 25% of the excess income of the family unit less all disability-related expenses (e.g., cost of special medical supplies which are directly related to the customer's disability, etc.) applicable to the customer.
- c) Excess income shall be determined by adding all income for the family unit and subtracting the standard budget allowance for a family of that size. Any positive amount which results from this equation shall be considered as excess income for the purpose of determining the cost share amount.

(Source: Repealed at 24 Ill. Reg. _____, effective _____)

Section 682.260 General Exceptions to Cost Share Provisions (Repealed)

No cost sharing shall be required if the customer:

- a) has applied for Medicaid benefits through BPA and has provided documentation verifying application for such benefits to the counselor;
- b) has been determined eligible to receive Medicaid benefits;
- c) has had a Medicaid Spend-Down established;
- d) is a recipient of SSI benefits; or
- e) is receiving only respite services (#9-III-Adm-Code-676-48(f)).

(Source: Repealed at 24 Ill. Reg. _____, effective _____)

SUBPART F: GRANDFATHERING PROVISIONS

Section 682.500 Exceptions to Eligibility Standards

A customer who was receiving planned services through HSP prior to July 17, 1983, and has remained in a continuous active status since that time, and meets the current minimum DON point requirements may:

- a) have a planned service cost above the SCM established for that customer's DON score as established July 17, 1983; b) not have his/her cost share amount increased as long as services remain at the same levels as prior to July 17, 1983; unless the customer chooses to cost share at a higher level; and
- b) have more than \$10,000 in non-exempt, customer-only assets.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

Section 682.510 Exceptions to Cost Sharing Provisions (Repealed)

A customer whose case was in an active status on or before April 30, 1987, and whose case has remained in an active status since that time with a cost share of less than 25% of excess income (#9-III-Adm-Code-682-256(c)) that is paid directly to the vendor may continue to cost share at the lower percentage unless the customer chooses to cost share at a higher rate.

(Source: Repealed at 24 Ill. Reg. _____, effective _____)

Section 682.520 Exceptions to Service Cost Maximums

- a) If the established SCM for a case is exceeded due to a DHS-ORS approved provider rate increase, the customer may continue to receive the same amount of services even though the SCM will be exceeded.
- b) If an increase in services is indicated, services must stay within the established SCM for the case, regardless of the impact of provider rates.
- c) Cases involving ventilator dependent customers and other customers with exceptional care needs whose need for care cannot be met by the SCM may have a rate established by Department of Public Aid (DPA) per 89 Ill. Adm. Code 684.70(c).
- d) When the SCM is impacted by mandated and DHS-ORS approved rate increases, the Associate Director of the Office of Rehabilitation Services may authorize a temporary increase in the SCMs, until new SCMs are approved.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Medical Assistance Programs

2) Code Citation: 89 Ill. Adm. Code 120

3) Section Numbers: Proposed Action:

120.10 Amendment

120.11 Amendment

120.31 Amendment

120.60 Amendment

120.64 Amendment

120.400 New Section

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Complete Description of the Subjects and Issues Involved: Several changes are being proposed to the Department's administrative rules concerning medical assistance eligibility. The only substantive changes are applicable to persons under 19 years of age. According to these new provisions, when eligibility for medical assistance has been determined or redetermined, eligibility will continue for 12 months from the last date of eligibility determination regardless of any change in circumstances, except when a person reaches the age of 19 years, is no longer an Illinois resident, becomes incarcerated, was incorrectly determined eligible, or is a parent and refuses to cooperate with child support and medical support responsibilities. This continuous eligibility will apply to all eligible persons under 19 years of age, including caretaker relatives and their spouses, if under age 19.

These continuous eligibility provisions will not apply to any person who has been determined to be presumptively eligible, or has a spenddown, or has been determined eligible for emergency medical assistance for noncitizens.

The Department is initiating this expansion of medical assistance coverage as an optional service under Medicaid as allowed by Section 1902(e)(12) of the Social Security Act (42 USC 1396a(e)(12)).

Other proposed revisions pertaining to medical assistance eligibility for pregnant women are being made to provide technical clarifications that will not result in any policy or reimbursement changes.

The budgetary increase associated with these proposed changes is expected to be approximately \$11.3 million for the latter part of fiscal year 2000.

6) Will these proposed amendments replace emergency amendments currently in effect? No

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Jones

Office of the General Counsel

Rules Section

Illinois Department of Public Aid

201 South Grand Avenue East, Third Floor

Springfield, Illinois 62763-0002

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

13) Regulatory Agenda on which this rulemaking was summarized: July 1999

The full text of the proposed amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120

MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section
120.1 Incorporation By Reference

SUBPART B: ASSISTANCE STANDARDS

Section
120.10 Eligibility For Medical Assistance
120.11 WANG(P) Eligibility
120.12 Healthy Start - Medicaid Presumptive Eligibility Program For Pregnant Women
120.20 WANG(AABD) Income Standard
120.30 WANG(C) Income Standard
120.31 WANG(P) Income Standard
120.40 Exceptions To Use Of WANG Income Standard
120.50 AMI Income Standard (Repealed)

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section
120.60 All Cases Other Than Intermediate Care, Skilled Nursing Care, DHS Facilities, DHS Approved Community Based Settings and Pregnant Women and Children Under Age 19 Who Do Not Qualify As Mandatory Categorically Needy
120.61 Cases in Intermediate Care, Skilled Nursing Care and DMHDD - WANG(AABD) and All Other Licensed Medical Facilities
120.62 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings Under 89 Ill. Adm. Code 140.643
120.63 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings
120.64 WANG(P) Cases
120.65 Department of Mental Health and Developmental Disabilities (DMHDD) Licensed Community - Integrated Living Arrangements

SUBPART D: SUPPLEMENTARY MEDICAL INSURANCE

Section
120.70 Supplementary Medical Insurance Benefits (SMIB) Buy-In Program
120.72 Eligibility for Medicare Cost Sharing as a Qualified Medicare

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Beneficiary (QMB)
 120.73 Eligibility for Medicaid payment of Medicare Part B Premiums as a
 Specified Low-Income Medicare Beneficiary (SLIB)
 120.74 Specified Low-Income Medicare Beneficiary (QMB) Income Standard
 120.75 Specified Low-Income Medicare Beneficiary (SLIB) Income Standards
 120.76 Hospital Insurance Benefits (HIB)

SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section
 120.80 Recipient Restriction Program

SUBPART F: MIGRANT MEDICAL PROGRAM

Section
 120.90 Migrant Medical Program
 120.91 Income Standards

SUBPART G: AID TO THE MEDICALLY INDIGENT

Section
 120.200 Elimination of Aid to the Medically Indigent
 120.208 Client Cooperation (Repealed)
 120.210 Citizenship (Repealed)
 120.211 Residence (Repealed)
 120.212 Age (Repealed)
 120.215 Relationship (Repealed)
 120.216 Living Arrangement (Repealed)
 120.217 Supplemental Payments (Repealed)
 120.218 Institutional Status (Repealed)
 120.224 Foster Care Program (Repealed)
 120.225 Social Security Numbers (Repealed)
 120.230 Unearned Income (Repealed)
 120.235 Exempt Unearned Income (Repealed)
 120.236 Education Benefits (Repealed)
 120.240 Unearned Income In-Kind (Repealed)
 120.245 Earmarked Income (Repealed)
 120.250 Lump Sum Payments and Income Tax Refunds (Repealed)
 120.255 Protected Income (Repealed)
 120.260 Earned Income (Repealed)
 120.261 Budgeting Earned Income (Repealed)
 120.262 Exempt Earned Income (Repealed)
 120.270 Recognized Employment Expenses (Repealed)
 120.271 Income from Work/Study/Training Program (Repealed)
 120.272 Earned Income from Self-Employment (Repealed)
 120.273 Earned Income from Roomer and Boarder (Repealed)
 120.275 Earned Income In-Kind (Repealed)
 120.276 Payments from the Illinois Department of Children and Family Services

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

(Repealed)
 120.280 Assets (Repealed)
 120.281 Exempt Assets (Repealed)
 120.282 Asset Disregards (Repealed)
 120.283 Deferral of Consideration of Assets (Repealed)
 120.284 Property Transfers (Repealed)
 120.285 Property Transfers (Repealed)
 120.290 Persons Who May be Included in the Assistance Unit (Repealed)
 120.295 Payment levels for AMI (Repealed)

SUBPART H: MEDICAL ASSISTANCE - NO GRANT

Section
 120.308 Client Cooperation
 120.309 Caretaker Relative
 120.310 Citizenship
 120.311 Residence
 120.312 Age
 120.313 Blind
 120.314 Disabled
 120.315 Relationship
 120.316 Living Arrangements
 120.317 Supplemental Payments
 120.318 Institutional Status
 120.319 Assignment of Rights to Medical Support and Collection of Payment
 120.320 Cooperation in Establishing Paternity and Obtaining Medical Support
 120.321 Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
 120.322 Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
 120.323 Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause
 120.324 Health Insurance Premium Payment (HIPP) Program
 120.325 Health Insurance Premium Payment (HIPP) Pilot Program
 120.326 Foster Care Program
 120.327 Social Security Numbers
 120.330 Unearned Income
 120.332 Budgeting Unearned Income
 120.335 Exempt Unearned Income
 120.336 Education Benefits
 120.338 Incentive Allowance
 120.340 Unearned Income In-Kind
 120.342 Court Ordered Child Support Payments of Parent/Step-Parent
 120.345 Earmarked Income
 120.346 Medicaid Qualifying Trusts
 120.347 Treatment of Trusts
 120.350 Lump Sum Payments and Income Tax Refunds
 120.355 Protected Income

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

120.360 Earned Income
 120.361 Budgeting Earned Income
 120.362 Exempt Earned Income
 120.363 Earned Income Disregard - MANG(C)
 120.364 Earned Income Exemption
 120.366 Exclusion From Earned Income Exemption
 120.370 Recognized Employment Expenses
 120.371 Income From Work/Study/Training Programs
 120.372 Earned Income From Self-Employment
 120.373 Earned Income From Roomer and Boarder
 120.375 Earned Income In Kind
 120.376 Payments from the Illinois Department of Children and Family Services
 120.379 Provisions for the Prevention of Spousal Impoverishment
 120.380 Assets
 120.381 Exempt Assets
 120.382 Asset Disregard
 120.383 Deferral of Consideration of Assets
 120.384 Spend-down of Assets (MANG)
 120.385 Property Transfers for Applications Filed Prior to October 1, 1989 (Repealed)
 120.386 Property Transfers Occurring On or Before August 10, 1993
 120.387 Property Transfers Occurring On or After August 11, 1993
 120.390 Persons Who May Be Included in the Assistance Unit
 120.391 Individuals Under Age 18 Who Do Not Qualify For AFDC/APDC-MANG and Children Born October 1, 1983, or Later
 120.392 Pregnant Women Who Would Not Be Eligible For AFDC/APDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
 120.393 Pregnant Women and Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project
 120.395 Payment Levels for MANG (Repealed)
 120.399 Redetermination of Eligibility
 120.400 Twelve Month Eligibility for Persons under Age 19

TABLE A Value of a Life Estate and Remainder Interest

TABLE B Life Expectancy

AUTHORITY: Implementing Articles III, IV, V and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency

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amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 16, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6512, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9,

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1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13326, effective July 16, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; preemptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 23053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985; for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987; for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988; for a maximum of 150 days; amended at 12 Ill. Reg. 11839, effective July 1, 1988; for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988; for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 17904, effective November 15, 1988; amended at 12 Ill. Reg. 20186, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989; for a maximum of 150 days; emergency expired November 23, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989; for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989; for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990; for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990;

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emergency amendment at 14 Ill. Reg. 5939, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. 2051, effective January 21, 1994; amended at 18 Ill. Reg. 5934, effective April 1, 1994; amended at 18 Ill. Reg. 8718, effective June 1, 1994; amended at 18 Ill. Reg. 11231, effective July 1, 1994; amended at 19 Ill. Reg. 2905, effective February 27, 1995; emergency amendment at 19 Ill. Reg. 9280, effective August 11, 1995; for a maximum of 150 days; amended at 19 Ill. Reg. 11931, effective August 11, 1995; amended at 19 Ill. Reg. 15079, effective October 17, 1995; amended at 20 Ill. Reg. 5068, effective March 20, 1996; amended at 20 Ill. Reg. 15993, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 692, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7423, effective May 31, 1997; amended at 21 Ill. Reg. 7748, effective June 9, 1997; amended at 21 Ill. Reg. 11555, effective August 1, 1997; amended at 21 Ill. Reg. 13638, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 1576, effective January 5, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 7003, effective April 1, 1998; amended at 22 Ill. Reg. 8503, effective May 1, 1998; amended at 22 Ill. Reg. 16293, effective August 28, 1998; emergency amendment at 22 Ill. Reg. 16440, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19875, effective October 30, 1998; amended at 23 Ill. Reg. 2381, effective January 23, 1999; amended at 23 Ill. Reg. 11301, effective August 27, 1999; amended at 24 Ill. Reg. _____, effective _____.

SUBPART B: ASSISTANCE STANDARDS

Section 120-10 Eligibility For Medical Assistance

- a) Eligibility for medical assistance **Medical-Assistance** exists when a client meets the non-financial requirements of the program and the client's countable nonexempt income (Sections 120.330 and 120.360) is equal to or less than the applicable Medical Assistance - No Grant (MANG) standard and for AARD MANG, countable nonexempt assets are not

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- in excess of the applicable asset disregards (Section 120.380).
- b) For AABD MANG, the client's countable income and assets include the client's nonexempt income and assets and the nonexempt income and assets of all persons included in the Medical Assistance standard. The client's responsible relative(s) living with the child must be included in the standard. The client has the option to request that a dependent child under age 18 in the home who is not included in the MANG unit be included in the MANG standard.
- c) For TANF (Temporary Assistance for Needy Families) MANG, the client's countable income includes the client's nonexempt income and the nonexempt income of all persons included in the Medical Assistance standard. The client's responsible relative(s) living with the child must be included in the standard. The client has the option to request that a dependent child under age 18 in the home who is not included in the MANG unit be included in the MANG standard.
- d) For AABD MANG, if the client's countable nonexempt income is greater than the applicable MANG standard and/or countable nonexempt assets are over the applicable asset disregard, the client must meet the spend-down obligation determined for the applicable time period before becoming eligible to receive medical assistance **Medical Assistance**.
- e) For TANF MANG, if the client's countable nonexempt income is greater than the applicable MANG standard, the client must meet the spend-down obligation determined for the applicable time period before becoming eligible to receive medical assistance **Medical Assistance**.
- f) A one month eligibility period is used for clients receiving care in an intermediate care facility (ICF) or skilled nursing facility (SNF) or in a Department of Human Services facility. Nonexempt income and nonexempt assets over the asset disregard are applied toward the cost of care on a monthly basis.

- g) Newborns
- 1) When the Department becomes aware of the birth of a child to a recipient of a TANF or AABD grant or related medical assistance or medical assistance due to the mother's pregnancy, the child shall be deemed to have applied for medical assistance only, without written request, if the ~~subject--to--the--following conditions: At the mother had~~ must have been receiving TANF or AABD related medical assistance or medical assistance due to her pregnancy on the date of birth of the child. ~~By the mother--must have been continuously eligible for such medical assistance.~~
- 2) The newborn shall be eligible to receive medical assistance for a period of time as determined in Section 120.400 ~~only from the date of birth for up to one year--or until--the mother--becomes ineligible--for--medical--assistance--whichever comes first--the newborn can be added to the grant or medical assistance--early--if otherwise eligible--through regular procedures--by written request at any time.~~

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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Section 120.11 MANG(P) Eligibility

- a) Pregnant Women Eligible for MANG(P)
- 1) Eligibility for medical assistance exists for a pregnant woman of any age who does not qualify as mandatory categorically needy (see Social Security Act (42 USC 1396a(a)(10)(A)(i))) ~~858-e-198947#10947#11--and--19957#77~~ who meets the following eligibility requirements:
- A) cooperation in establishing eligibility as described in Section 120.308;
- B) residency as described in Section 120.311; and
- C) whose countable monthly income does not exceed the MANG(P) Income Standard (see Section 120.31).
- 2) The pregnant woman shall be eligible to receive medical assistance until 60 days following the last day of pregnancy. The 60 day medical coverage continues through the last day of the calendar month in which the 60 day period ends. The 60 days medical coverage period shall be provided for all **pregnant** women determined eligible for medical assistance under subsection (a)(1) of this Section including **pregnant** women who are no longer pregnant at the time of application, but were pregnant at any time during the three calendar months preceding the month in which the application was received. A woman who meets the requirements of this Section is eligible regardless of whether the pregnancy ended as a result of birth, miscarriage or abortion and regardless of whether she ~~because the woman had a miscarriage or an abortion or signed an adoption agreement.~~
- 3) When a pregnant woman is determined eligible for medical assistance under subsection (a)(1) of this Section, income changes occurring after the eligibility determination are not considered through the 60 day postpartum period following the last day of pregnancy.
- b) Children Under Age 19 Eligible for MANG(P)
- 1) Eligibility for medical assistance exists for children under age 19 who do not qualify as mandatory categorically needy (see Social Security Act (42 USC 1396a(a)(10)(A)(i))) ~~858-e-198947#10947#11--and--19957#77~~ who meet the following eligibility requirements:
- A) cooperation in establishing eligibility as described in Section 120.308;
- B) citizenship/allenage status as described in 120.310;
- C) residency as described in Section 120.311; and
- D) whose countable monthly income exceeds the MANG(C) or MANG(AABD) income standards (Sections 120.20 and 120.30) but does not exceed the MANG(P) income standard (see Section 120.31).

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- 2) Children under age 19 shall be eligible to receive medical assistance under subsection (b)(1) of this Section for a period of time as determined in Section 120.400.7
- A) from the date of birth through age 18; or
B) through age 18--if--an application is approved for medical assistance--or
C) until countable monthly income exceeds the--MANG(P)--income standard--(see Section 120.317--which ever comes first--
 3) When the Department becomes aware of the birth of a child or children to a woman determined eligible under subsection (a)(1) of this Section while she was eligible, the child or children shall be deemed to have applied for medical assistance under subsection (b)(1) of this Section, without written request. The child or children shall be eligible to receive medical assistance for a period of time as determined in Section 120.400 the same period of time the mother is receiving medical assistance.
- 4) When the child's mother becomes ineligible for medical assistance under--subsection--(a)--of--this--Section--the--infant--retains eligibility for medical assistance until--
A) up to age one year;
B) through age 18--if--an application is--approved--for--medical assistance;
C) countable monthly income exceeds the--MANG(P)--income standard (see Section 120.317--which ever comes first--; or
B) if--an--application--is--later--approved--for--financial assistance--the child is ineligible for--medical--assistance under this subsection (b);
 5) When--a child is determined eligible for medical assistance under this subsection (b)--and there is a change in income which causes countable--monthly--income to exceed the--MANG(P)--income standard (see--Section--120.317--the--child--is--ineligible--for--medical assistance under this subsection (b))--Countable income must then be compared to the--MANG(P)--or--MANG(AAB)--income standard--(see Section--120.207--120.307)--to determine the spend down amount--if any;

(Source: Amended at 24 Ill. Reg. _____, effective _____.)

Section 120.31 MANG(P) Income Standard

- a) MANG(P) is available to pregnant women and to children under age 19 who do not qualify as mandatory categorically needy (see Social Security Act (42 USC 658c; 1902(a)(10)(A)(i) and 1905(f)(1)) whose non-exempt countable income does not exceed the MANG(P) income standard. If the household's countable monthly income exceeds the appropriate MANG(P) standards, eligibility for MANG(P) does not exist. The MANG(P) income standards are as follows:

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- 1) The MANG(P) income standard shall be 200 percent of the current Federal Poverty Level Income Guidelines, as published annually in the Federal Register, for pregnant women and for infants born to Medicaid-eligible--pregnant women eligible for and receiving medical assistance on the date of the child's birth, including women determined eligible for the date of birth pursuant to subsection (e)(4) of this Section.
- 2) The MANG(P) income standard shall be 133 percent of the current Federal Poverty Level Income Guidelines, as published annually in the Federal Register, for--infants--born to non-Medicaid-eligible pregnant women--and for all other children under age 19.
- b) MANG(P) is available for a pregnant woman, of any age, whose countable monthly income for the household does not exceed the MANG(P) income standard. If the pregnant woman is married and her spouse lives with her, her pregnancy does not make her spouse eligible for MANG(P). The pregnant woman and her spouse's income are combined and compared to the MANG(P) standard for the number of persons in the family even though only the pregnant woman is eligible to receive MANG(P). An unborn child is counted as a family member.
- c) MANG(P) is available for children under age 19 whose countable monthly income for the household does not exceed the appropriate MANG(P) income standards.
- d) When financial eligibility for MANG(P) is being determined for a child under age 19, the household's income is combined and compared to the MANG(P) income standard for the family size, including unborn children.
- e) When financial eligibility for MANG(P) is being determined for a pregnant woman who meets the requirements for MANG(P), income is considered in the following manner:
- Income is considered for the month of application. When eligibility exists for the month of application, MANG(P) coverage is authorized beginning with the month of application. Income changes occurring after the month of application are not considered through the 60 day period following the last day of pregnancy.
 - Income is considered for the month following the month of application when the pregnant woman is income ineligible for the month of application. If eligibility exists for the month following the month of application, MANG(P) coverage is authorized beginning with the month following the month of application. Income changes occurring after the month following the month of application are not considered after the month following the month of application.
 - When the case is income ineligible for the month of application and the month following the month of application, financial eligibility is determined under Sections 120.10 and 120.60.
 - When determining income eligibility for a backdated month (up to three months before the month of application), eligibility the

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client is eligible for medical coverage begins beginning with the month income is at or below the MANG(P) income standard. Income changes occurring after the month of authorization are not considered through the 60 day period following the last day of pregnancy.

spenddown case, a spend-down spenddown obligation will be determined and subsection (C) of this Section will apply.

4) A redetermination of eligibility will be made at least every 12 months.

c) Eligibility with Spenddown for MANG

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section 120.60 Cases Other Than Long Term Care, Pregnant Women and Certain Children

The following subsections apply to all cases other than those receiving care in licensed intermediate care facilities, licensed skilled nursing facilities, Department of Human Services (DHS) facilities, or DHS approved community based residential settings under '89 Ill. Adm. Code 140.643, or pregnant women and children under age 19 who do not qualify as mandatory categorically needy.

a) ~~The eligibility period for MANG is one month.~~ The eligibility period shall begin with:

- 1) the first day of the month of application;
- 2) the first day of any month, prior to the month of application, in which the client meets non-financial eligibility requirements up to three months prior to the month of application, if the client so desires; or
- 3) the first day of a month, after the month of application, in which the client meets non-financial eligibility requirements.

b) Eligibility Without Spenddown for MANG

- 1) For AABD MANG, if the client's nonexempt income available during the eligibility period is equal to or below the applicable MANG standard (Sections 120.20 and 120.30) and nonexempt assets are not in excess of the applicable asset disregard (Section 120.382), the client is eligible for medical assistance from the first day of the eligibility period. The Department will pay for covered services received during the entire eligibility period.
- 2) For TANF MANG, if the client's nonexempt income available during the eligibility period is equal to or below the applicable MANG standard (Sections 120.20 and 120.30), the client is eligible for medical assistance from the first day of the eligibility period. The Department will pay for covered services received during the entire eligibility period.
- 3) The client is responsible for reporting any changes that occur during the eligibility period which might affect eligibility for medical assistance. If changes occur, appropriate action shall be taken by the Department, including termination of eligibility for medical assistance, if changes in income, assets or family composition occur which would make the client a spend-down

2) For TANF MANG, if the client's nonexempt income available during the applicable eligibility period is greater than the applicable MANG standard, the client must meet the spend-down obligation determined for the eligibility period before becoming eligible to receive medical assistance. The spend-down obligation is the amount by which the client's nonexempt income exceeds the MANG standard and the amount of nonexempt assets in excess of the applicable asset disregard.

3) The client meets the spend-down obligation by incurring or paying for medical expenses in an amount equal to the spend-down spenddown obligation.

A) Medical expenses shall be applied to the spend-down obligation in the following order:

- i) Charges for DHS Home Services and/or Community Based Services. These charges are considered incurred the first day of the month, regardless of the day the services are actually provided.
- ii) Payments made for medical expenses within the previous six months. Payments are considered incurred the first day of the month of payment.
- iii) Unpaid medical expenses. These are considered as of the date of service and are applied in chronological order.
- B) If multiple medical expenses are incurred on the same day, the expenses shall be applied in the following order:
 - i) Health insurance deductibles (including Medicare and other co-insurance charges).
 - ii) All copayment charges incurred or paid on spenddown spend-down net day.
 - iii) Expenses for medical services and/or items not covered by the Department's Medical Assistance Program.
 - iv) Cost share amounts incurred for in-home care services by individuals receiving services through the Department on Aging (DOA).
 - v) Expenses incurred for in-home care services by

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individuals receiving or purchasing services from private providers.

- vi) Expenses incurred for medical services or items covered by the Department's Medical Assistance Program. If more than one covered service is received on the day, the charges will be considered in order of amount. The bill for the smallest amount will be considered first.

- c) If a service is provided during the eligibility period but payment may be made by a third party, such as an insurance company, the medical expense will not be considered towards spenddown until the bill is adjudicated. When adjudicated, that part determined to be the responsibility of the client shall be considered as incurred on the date of service.

- 4) After application for medical assistance for cases eligible with a spend-down obligation who do not have a QMB or MANG(P) member, an additional eligibility determination will be made.

- A) For TANF MANG, if countable income is greater than the QMB income standard (Section 120.74), and for AABD MANG, if countable assets are greater than the income standard or (Section 120.382(d)), the case will not be enrolled in spenddown unless:
 - i) the case does not have a spend-down **spenddown** obligation for any month of the twelve-month enrollment period;

- ii) medical expenses equal the spend-down **spenddown** obligation for at least one month of the twelve-month enrollment period; or

- iii) the person is on a waiting list or would be on a waiting list to receive a transplant if he or she had a source of payment.

- B) Cases which meet any of these conditions will be notified, in writing, of the spend-down **spenddown** obligation. The client will also be notified that his or her case will be reviewed beginning in the sixth month of the twelve-month enrollment period. If the client has not had medical eligibility in one of the last three months at the time of review (including the month of review), the case will terminate unless the case contains a person who is on a waiting list or who would be on a waiting list to receive a transplant if he or she had a source of payment. A new application will be required if the client wishes continued medical assistance.

- C) When proof of incurred medical expenses equal to the spend-down obligation is provided to the local office, eligibility for medical assistance shall begin effective the first day that the spend-down **spenddown** obligation is met.

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The Department will pay for covered services received from that date until the end of the eligibility period. The client shall be responsible, directly to the provider, for payment for services provided prior to the time the client meets the spend-down obligation.

- 5) Cases with a spend-down **spenddown** obligation which do not have a QMB, a MANG(P) member or a person on a waiting list or who would be on a waiting list to receive a transplant if he or she had a source of payment, will be reviewed beginning in the sixth month of enrollment to determine if they have had medical eligibility within the last three months, including the month of review. If so, enrollment will continue. If not, enrollment will be terminated and the client will be advised that if he or she wishes continued medical assistance, a reaplication must be filed. Upon reaplication, a new twelve-month enrollment period will be established (assuming non-financial factors of eligibility are met). If appropriate, a new spend-down **spenddown** obligation will be created.

- A) If the client files a reaplication prior to four months after the end of the period of enrollment, the client will be sent through a special abbreviated intake procedure making use of current case record material to verify factors of eligibility not subject to change.

- B) Cases that remain eligible in the tenth month of the enrollment period or which have a QMB, a MANG(P) member or a person on a waiting list or who would be on a waiting list to receive a transplant if he or she had a source of payment, will remain enrolled and will be redetermined once every 12 months.

- 6) The client is responsible for reporting any changes that occur during the enrollment period which might affect eligibility for medical assistance. If changes occur, appropriate action shall be taken by the Department including termination of eligibility for medical assistance.

- 7) For AABD MANG, if changes in income, assets or family composition occur, appropriate adjustments to the spend-down **spenddown** obligation and date of eligibility for medical assistance shall be made by the Department. The client will be notified, in writing, of the new spend-down **spenddown** obligation.

- A) If income decreases or assets fall below the applicable asset disregard and, as a result, the client has already met the new spend-down **spenddown** obligation, eligibility for medical assistance shall be back-dated to the appropriate date.

- B) If income or assets increase and, as a result, the client has not produced proof of incurred medical expenses equal to the new spend-down **spenddown** obligation, the written notification of the new spend-down **spenddown** amount will

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also inform the client that eligibility for medical assistance will be interrupted until proof of medical expenses equal to the new spend-down spenddown obligation is produced.

- 8) For TANF MANG, if changes in income or family composition occur, appropriate adjustments to the spend-down obligation and date of eligibility for medical assistance shall be made by the Department. The client will be notified, in writing, of the new spend-down obligation.

- A) If income decreases and, as a result, the client has already met the new spend-down obligation, eligibility for medical assistance shall be back-dated to the appropriate date.
- B) If income increases and, as a result, the client has not produced proof of incurred medical expenses equal to the new spend-down obligation, the written notification of the new spend-down amount will also inform the client that eligibility for medical assistance will be interrupted until proof of medical expenses equal to the new spend-down obligation is produced.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 120.64 MANG(P) Cases

- a) The following subsections apply to MANG(P) clients. The eligibility period for a MANG(P) client shall begin with:

- 1) the first day of the month of application; or
- 2) the first day of any month prior to the month of application if the client so desires up to three months prior to the month of application; or

- 3) the first day of the month after the month of application; or
- 4) the first day of a month a pregnant woman and/or child under age 19 meets the requirements of Sections 120.11 and 120.31.

- b) The pregnant woman shall be eligible to receive medical assistance until 60 days following the last day of pregnancy. The 60 day medical coverage continues through the last day of the calendar month in which the 60 day period ends. The 60 day medical coverage period shall be provided for all pregnant women determined eligible for medical assistance under Section 120.11(a)(1) of this Section above including pregnant women who are no longer pregnant at the time of application because the woman gave birth or had a miscarriage or an abortion, and including women who or signed an adoption agreement.
- c) Children shall be eligible to receive medical assistance as determined pursuant to Section 120.400. [†]

- †† from the date of birth up to age 19; or
- ‡ up to age 19 if an application is approved for medical assistance; or

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NOTICE OF PROPOSED AMENDMENTS

- 3) until countable monthly income exceeds the MANG(P) income standard (see Section 120.31) whichever comes first.
ASNYG--NBS:--A newborn child--is--automatically--eligible--to--receive--medical--assistance--for--the--same--period--of--time--the--mother--is--receiving--medical--assistance--Eligibility--for--the--newborn--with--automatic--eligibility--shall--continue--up--to--age--one--without--regard--to--income--changes.

- d) Covered services received during the entire eligibility period will be paid by the Department (see 89 Ill. Adm. Code 140.3).

- e) A redetermination of eligibility for MANG(P) will be made every 12 months for children under age 19.

- f) The client is responsible to report any changes that occur during the eligibility period which might affect eligibility for MANG(P). If changes in income or family composition occur which would make the client ineligible for MANG(P), appropriate action shall be taken by the Department, including evaluation of eligibility for other programs or termination of eligibility for medical assistance. Income changes occurring after a pregnant woman is determined eligible for MANG(P) coverage are not considered through the 60 day postpartum period following the last day of pregnancy.

- g) MANG(P) clients shall be eligible without a spend-down obligation amount.

- h) A review of case eligibility for MANG(C) will be conducted for a pregnant woman and continued MANG(P) eligibility for the newborn child will be conducted during the second month of the 60 day extended medical coverage period. If eligible, the case shall be transferred by the Department to the appropriate program without interruption in benefit eligibility. If ineligible, the Department shall notify the client in writing.

- i) A review of case eligibility for TANF MANG(C) will be conducted when a child is determined ineligible for MANG(P). If the child is eligible for TANF MANG(C), the case shall be transferred by the Department without interruption in benefit eligibility. If ineligible, written notification shall be provided to the client.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART H: MEDICAL ASSISTANCE - NO GRANT

Section 120.400 Twelve Month Eligibility for Persons under Age 19

- a) Eligibility for medical assistance shall be provided for all persons under 19 years of age for 12 months, regardless of changes in circumstances except as provided in subsections (c) and (d) of this Section.

- b) The 12 month period shall begin the later of:

- 1) the month in which initial eligibility is determined; or

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- 2) the month in which eligibility has most recently been determined. Eligibility shall end when the earliest of the following occurs:
- 1) the 12 month period ends; or
 - 2) the person attains age 19; or
 - 3) the person is no longer a resident of Illinois; or
 - 4) the person is incarcerated; or
 - 5) the person dies; or
 - 6) the Department determines that, at the time of application, incorrect or inaccurate information was provided that affected the eligibility determination; or
 - 7) the caretaker relative requests termination; or
 - 8) the child is also the caretaker relative of a child receiving benefits under the Public Aid Code and fails to cooperate with the support enforcement for that child as required by 89 Ill. Adm. Code 160.30; or
 - 9) The Department determines that the child was incorrectly determined to be eligible.
- d) Twelve month eligibility under this Section shall not apply to any person who:
- 1) has only been determined to be presumptively eligible; or
 - 2) has a spenddown; or
 - 3) has only been determined eligible for emergency medical assistance under Section 120.310(b)(3).

(Source: Added at 24 Ill. Reg. _____, effective _____.)

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: The Administration and Operation of the State Employees' Retirement System of Illinois
- 2) Code Citation: 80 Ill. Adm. Code 1540
- 3) Section Numbers: Proposed Action:
1540.255 Amendment
- 4) Statutory Authority: 40 ILCS 5/14-135.03
- 5) A Complete Description of the Subjects and Issues Involved: Amends the pickup option for optional service contributions rule, adding suspending the irrevocable payroll deduction election for layoff, strike or disability.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking will neither create nor expand a State mandate on local government.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments should be submitted in writing within 45 days after the proposed rules are published in the *Illinois Register* and should be directed to:
- Michael L. Mory, Executive Secretary
State Employees' Retirement System of Illinois
P.O. Box 19255 - 2101 South Veterans Parkway
Springfield, Illinois 62794-9255
1-217-785-7444
- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for provide corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: July 1999

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

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The full text of the Proposed Amendments begins on the next page.

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE D: RETIREMENT SYSTEMS

CHAPTER 1: STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

PART 1540

THE ADMINISTRATION AND OPERATION OF THE

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

Section	
1540.5	Introduction
1540.10	Appointment of Retirement System Coordinator
1540.20	Member's Contribution and Service Credit
1540.30	Determination of Rate of Compensation
1540.40	Prior Service Credit
1540.50	Credit for Service for Which Contributions are Permitted
1540.60	Severance of Employment - A Condition to the Payment of a Refund or Retirement Annuity
1540.70	Death Benefits
1540.80	Disability Claims
1540.90	Benefit Offset
1540.100	Birth Date Verification
1540.110	Marriage Verification
1540.120	Level Income Option
1540.130	Pension Credit for Unused Sick Leave
1540.140	Removal of Children from Care of Surviving Spouse
1540.150	Proof of Dependency
1540.160	Investigations of Benefit Recipients
1540.170	Interest on Member Contributions
1540.180	Date of Application - Retirement Annuity, Occupational and Nonoccupational and Temporary Disability Benefits, and Resignation Refund Payments
1540.190	Lump Sum Salary Payments
1540.200	Removal from the Payroll
1540.210	Latest Date of Membership
1540.220	Period for Payment and Amount of Payment of Contributions
1540.230	Contributions By the State (Repealed)
1540.240	Actuarially Funded Basis (Repealed)
1540.250	Payments to Establish Credit for Service for Which Contributions are Permitted
1540.255	Pick-up Option for Optional Service Contributions
1540.260	Contributions and Service Credit During Nonwork Periods
1540.270	Written Appeals and Hearings
1540.280	Availability for Public Inspection (Recodified)
1540.290	Procedure for Submission, Consideration and Disposition of Petitions Seeking the Promulgation, Amendment or Repeal of these Rules and Regulations (Recodified)
1540.300	Organization of the State Employees' Retirement System (Recodified)
1540.310	Amendments

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

1540.320 Optional Forms of Benefits - Basis of Computation

1540.330 Board Elections

1540.340 Excess Benefit Arrangement

TABLE A Optional Forms of Benefits - Basis of Computation

AUTHORITY: Implementing and authorized by Article 14 of the Illinois Pension Code [40 ILCS 5/Art. 14].

SOURCE: Filed December 20, 1977, effective December 31, 1977; filed and effective February 28, 1978; emergency rule at 4 Ill. Reg. 2, page 246, effective January 1, 1980; amended at 4 Ill. Reg. 12, pages 530, 532, 534, effective March 11, 1980; emergency rule at 4 Ill. Reg. 46, page 1300, effective November 1, 1980; amended at 5 Ill. Reg. 3454, effective March 19, 1981; amended at 5 Ill. Reg. 7225, effective July 1, 1981; amended at 5 Ill. Reg. 12846, effective October 30, 1981; amended at 6 Ill. Reg. 2114, effective January 29, 1982; amended at 6 Ill. Reg. 5505, effective April 16, 1982; codified at 6 Ill. Reg. 10935; emergency amendment at 6 Ill. Reg. 11084, effective August 31, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 677, effective December 30, 1982; amended at 7 Ill. Reg. 8831, effective July 15, 1983; emergency amendment at 8 Ill. Reg. 359, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4144, effective March 26, 1984; Sections 1540.280, 1540.290 and 1540.300 reclassified to 2 Ill. Admin. Code 2375 at 8 Ill. Reg. 15902; amended at 9 Ill. Reg. 12375, effective July 30, 1985; emergency amendment at 9 Ill. Reg. 19752, effective December 5, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 8889, effective May 14, 1986; amended at 11 Ill. Reg. 11155, effective June 15, 1987; amended at 14 Ill. Reg. 10498, effective June 19, 1990; amended at 15 Ill. Reg. 7379, effective April 26, 1991; amended at 16 Ill. Reg. 14407, effective September 4, 1992; amended at 20 Ill. Reg. 8033, effective June 15, 1996; emergency amendment at 21 Ill. Reg. 476, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4992, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 13187, effective September 15, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 967, effective December 21, 1997; amended at 22 Ill. Reg. 15363, effective August 10, 1998; amended at 23 Ill. Reg. 3824, effective March 9, 1999; amended at 23 Ill. Reg. 11313, effective September 1, 1999; amended at 24 Ill. Reg. _____, effective _____.

Section 1540.255 Pick-up Option for Optional Service Contributions

- a) "Member" as used in this Section means any person who is entitled to reinstate past service credits previously refunded or purchase permissive service credits under the Act creating the State Employees' Retirement System of Illinois.
- b) A member choosing to make contributions for the reinstatement (purchase) of past service credits previously refunded or the purchase of permissive service credits shall have the option to have those contributions treated as either after-tax or before-tax (picked up) contributions. In order for contributions for the reinstatement of

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

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past service credits or purchase of permissive service credits to be considered as picked up (before-tax) contributions under Section 414(b)(2) of the Internal Revenue Code (Code), the member must make an irrevocable election to have the contributions made by payroll deduction through the Comptroller's office by providing a copy of the election to the member's payroll officer. Any contributions for the purchase of past service credits or permissive service credits which are made directly by the member or when the payroll deduction election is not irrevocable will be considered as after-tax contributions (not picked up).

c) The member wishing to make contributions for the purchase of past service credits previously refunded or permissive service credits shall have the following contribution options:

- 1) The contributions may be made directly by the member in installments or by a lump sum payment and the contributions may be terminated by the member at any time;
- 2) If the member is receiving compensation for personal services rendered, on a warrant issued pursuant to a payroll voucher and which is drawn by the State Comptroller upon the State Treasurer, the contributions may be made by voluntary payroll deduction and the payroll deduction may be terminated by the member at any time; or
- 3) If the member is receiving compensation for personal services rendered, on a warrant issued pursuant to a payroll voucher drawn by the State Comptroller upon the State Treasurer, the contribution may be made by an irrevocable payroll deduction by which the member chooses to have the contributions picked up by the employer under the Code.

Only the contribution method described in subsection (c)(3) will qualify the contributions as contributions picked up by the employer for Code purposes. Those members electing to make such contributions pursuant to subsection (c)(3) shall complete and sign an irrevocable payroll authorization form provided by the State Employees' Retirement System (System). That form must be provided to both the System and the member's payroll officer.

d) The irrevocable payroll deduction form must indicate:

- 1) the total amount to be deducted;
 - 2) the amount per pay period to be deducted; and
 - 3) the total number of pay periods (one or more) over which the designated amount is to be deducted.
- All payroll deduction payments must be completed no later than the final payroll payment made to the member in conjunction with the member's retirement or termination from employment. The payroll deduction form when executed must be on such terms as would result in the payment, by the member's anticipated retirement date, of the necessary amounts to purchase the permissive service credit or the service credits previously refunded. During the period of the irrevocable payroll deduction no voluntary payments will be accepted

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by the System from the member towards the purchase of past service credits or for the purchase of permissive service credits for which an irrevocable payroll deduction is in place. The amount to be withheld per pay period need not be the same amount for each pay period.

e) The irrevocable payroll deduction election of the member shall remain in effect until the earlier of:

- 1) the payroll deductions or the purchase of the service credits as indicated in the form are completed;
- 2) the death of the member;
- 3) the member is disabled from performing his/her services as an employee for more than one year;
- 4) the member is absent from employment due to layoff or strike for more than one year;

5) If employment is terminated either voluntarily or involuntarily; or 6) If the payroll deduction is 120 days delinquent, either in whole or in part.

f) If an irrevocable payroll deduction becomes delinquent, then the member shall bring the payments current within 120 days after the original delinquency by payroll deduction. Absence from employment due to layoff, strike or disability will not be construed as a delinquency in the payroll deduction. Failure to bring a delinquent payment current within 120 days after the original delinquency will result in termination of the member's irrevocable election with all contributions made by the member under the irrevocable payroll deduction being refunded to the member less the appropriate tax withholding. The right to make up a delinquency cannot be used for the purpose of amending or modifying the terms of the original irrevocable payroll deduction election.

g) In the case of the death of a member, the irrevocable payroll deduction will terminate and the member's account will be granted partial service credit based upon contributions made to the date of death as described in Section 1540.250.

h) In case of retirement, termination of employment of the employee or absence from employment in excess of one year due to layoff, strike, or disability, the member will have the choice of making an after-tax lump-sum payment in the amount of the balance due to complete the purchase of the service credits originally intended or, in the alternative, the amounts contributed to date under the irrevocable payroll authorization will be refunded, less appropriate tax withholding. Any such after-tax lump-sum payment must be made no later than 30 days after the member has been notified by the System of the amount of the lump-sum payment.

i) A member shall be considered as being disabled from performing his/her services as an employee when the member has been granted a leave by the employer because the member is physically or mentally unable to perform the duties of the job.

j) A member who is changing job positions but will still be employed by the State of Illinois may substitute an irrevocable payroll deduction

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in the new position for the irrevocable payroll deduction effective in the former position so long as the terms of the new payroll deduction are not changed, except to make up any delinquency resulting from a break in service between positions. In such a case the irrevocable payroll deduction election will not terminate as provided for in subsection (e)(4) of this Section unless the provisions of subsection (e)(5) of this Section would require termination of the election.

if an irrevocable payroll deduction becomes 120 days delinquent either in whole or in part, the election of the member to have the contributions picked up will be cancelled and all contributions made by the member under the irrevocable payroll deduction shall be refunded to the member less the appropriate tax withholding in the case of the death of a member, the irrevocable payroll deduction will terminate and the member's account will be granted partial service credit based upon contributions made to the date of death as described in Section 1540.250. In the case of retirement, termination of employment or disability of the employee, the member will have the choice of making an after-tax lump-sum payment in the amount of the balance due to complete the purchase of the service credits originally intended or, in the alternative, the amounts contributed to date under the irrevocable payroll authorization will be refunded, less appropriate tax withholding. Any such after-tax lump-sum payment must be made no later than 30 days after the member has been notified by the System of the amount of the lump-sum payment and the payment shall be deemed as having been made prior to the retirement of the member. If an irrevocable payroll deduction becomes delinquent then the member may make up that delinquency by filing an amended or second irrevocable payroll deduction for the same and only purpose of bringing the payments current within 120 days after the original delinquency. Failure to bring a delinquent payment current within 120 days after the original delinquency will result in termination of the member's irrevocable election as provided for in subsection (e) of this Section. The right to make up a delinquency cannot be used for the purpose of amending or modifying the terms of the original irrevocable payroll deduction election.

g) A member who is changing job positions but will still be employed by the State of Illinois may substitute an irrevocable payroll deduction in the new position for the irrevocable payroll deduction effective in the former position so long as the terms of the new payroll deduction are not changed, except to make up any delinquency resulting from a break in service between positions. In such a case the irrevocable payroll deduction election will not terminate as provided for in subsection (e)(4) of this Section unless the provisions of subsection (e)(5) of this Section would require termination of the election.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Illinois Savings and Loan Act of 1985
- 2) Code Citation: 38 Ill. Adm. Code 1000
- 3) Section Numbers: Adopted Action:
1000.141 Amendment
1000.142 Amendment
1000.151 Repealed
- 4) Statutory Authority: Implementing and authorized by the Illinois Savings and Loan Act of 1985 [205 ILCS 105/7-3 (b)(2)]
- 5) Effective Date of Amendment: January 1, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, or including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 23 Ill. Reg. 8544-7/30/99
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this amendment replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: The proposed rulemaking simplifies supervisory fee structure. The proposed amendments lower fees by rounding down to the nearest whole number under Sections 1000.141 and 1000.142. The proposed rulemaking also repeals Section 1000.151. This Section states the Commissioner shall issue a credit memorandum that each associate operating under the provisions of the Illinois Savings and Loan Act of 1985 [205 ILCS 105] may use to offset balances owed from the Supervisory Fee calculated in Section 1000.141.
- 16) Information and questions regarding this adopted amendment shall be directed to:

OFFICE OF BANKS AND REAL ESTATE

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Tom Schlenhardt
Legislative Liaison
500 E. Monroe, 9th Floor
Springfield IL, 62701
217/785-7476

The full text of the adopted amendments begins on the next page:

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TITLE 38: FINANCIAL INSTITUTIONS

CHAPTER II: OFFICE OF BANKS AND REAL ESTATE

PART 1000

ILLINOIS SAVINGS AND LOAN ACT OF 1985

SUBPART A: FEES

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1000.110	Filings
1000.120	Conditions
1000.130	Examination Fees
1000.140	Annual Supervisory Fees (Repealed)
1000.141	Supervisory Fees
1000.142	Adjusted Supervisory Fees
1000.143	Special Assessment (Emergency Expired)
1000.150	Manner of Payment
1000.151	Special Credit (Repealed)

SUBPART B: DEFINITIONS

Section	
1000.205	Introduction
1000.210	Association
1000.220	Commissioner
1000.230	Single Family Dwelling
1000.240	Unsafe
1000.250	Mobile Home
1000.260	Mobile Home Chattel Paper
1000.270	Person
1000.280	Proposed Borrower
1000.290	Redlining

SUBPART C: REPORTS

Section	
1000.310	Contracts (Repealed)

SUBPART D: OPERATIONS

Section	
1000.410	Permanent Reserve Shares
1000.420	Dividend Advertising
1000.430	Maintenance of Records
1000.440	Business Plan

SUBPART E: APPRAISALS

OFFICE OF BANKS AND REAL ESTATE

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Section	
1000.510	Appraisals

SUBPART F: INVESTMENTS

Section	
1000.610	Prudent Person Rule
1000.615	Investment Underwriting Practices
1000.620	Discrimination and Redlining Prohibited
1000.630	Loans Secured by Real Estate
1000.640	Construction Loans
1000.650	College Loans (Repealed)
1000.660	Mobile Home Financing
1000.665	Other Loans
1000.670	Collateral Loans (Repealed)
1000.675	Investment Parity (Repealed)
1000.680	Unsecured Loans (Repealed)
1000.690	Sale of Loans and Participations (Repealed)
1000.700	Insider Loan Rates (Repealed)
1000.710	Reverse Mortgage Loans
1000.720	Repurchase Agreements

SUBPART G: BONUS PLANS

Section	
1000.810	Bonus Plans

SUBPART H: NOTICE TO COMMISSIONER

Section	
1000.910	Corrective Action

SUBPART I: SERVICE CORPORATIONS

Section	
1000.1010	Requirements
1000.1020	Approval by the Commissioner
1000.1030	Lending Limitations
1000.1040	Investments by Service Corporations
1000.1050	Ownership of Capital Stock of Service Corporation
1000.1060	Prohibited Transactions
1000.1070	Disclosure to Service Corporation
1000.1080	Reporting Requirements
1000.1090	Audit Requirements

SUBPART J: RELOCATIONS AND BRANCHING

Section	
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OFFICE OF BANKS AND REAL ESTATE

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1000.1110	General
1000.1120	Application
1000.1130	Request for Preliminary Determination
1000.1140	Amendment of Application (Repealed)
1000.1150	Public Notice and Inspection
1000.1160	Protest
1000.1170	Oral Argument
1000.1180	Application for and Maintenance of Branch Office after Conversion, Consolidation, Purchase of Assets or Merger
1000.1190	Redesignation of Offices
1000.1200	Termination of Operation and/or Closing of a Branch Office
1000.1210	Agency Offices
1000.1220	Remote Drive-In and/or Remote Pedestrian Facilities
SUBPART K: CAPITAL NOTES AND DEBENTURES	
Section	
1000.1310	Approval
1000.1320	Conversion to Stock
1000.1330	Priority of Claim
1000.1340	Effect on Reserve Requirements

SUBPART L: THIRD-PARTY PAYMENT ACCOUNTS

Section

1000.1410	General
1000.1420	Depositors
1000.1430	Rate of Interest
1000.1440	Overdraft Privilege
1000.1450	Charges and Fees
1000.1460	Disclosure
1000.1470	Membership
1000.1480	Approval and Authorization

SUBPART M: ADMINISTRATIVE HEARING PROCEDURES

Section

1000.1510	Applicability
1000.1520	Definitions
1000.1530	Filing
1000.1540	Form of Documents
1000.1550	Computation of Time
1000.1560	Appearances
1000.1570	Notice of Hearing
1000.1580	Service of the Notice of Hearing
1000.1590	Motion and Answer
1000.1600	Consolidation and Severance of Matters - Additional Parties
1000.1610	Intervention

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1000.1620	Postponement or Continuance of Hearing
1000.1630	Authority of Hearing Officer
1000.1640	Bias or Disqualification of Hearing Officer
1000.1650	Prehearing Conferences
1000.1660	Discovery
1000.1670	Subpoenas
1000.1680	Conduct of the Hearing
1000.1690	Default
1000.1700	Evidence
1000.1710	Official Notice
1000.1720	Hostile Witnesses
1000.1730	Transcription of Proceedings
1000.1740	Briefs
1000.1750	Hearing Officer's Findings, Opinions and Recommendations
1000.1760	Order of the Commissioner
1000.1770	Rehearings
1000.1780	Existing Statutory or Agency Procedures and Practices
1000.1790	Costs of Hearing

SUBPART N: SAVINGS AND LOAN HOLDING COMPANIES

Section

1000.1800	Applicability
1000.1810	Plain Meaning/Strict Interpretation
1000.1905	Affiliate
1000.1910	Assets
1000.1915	Books of Record
1000.1920	Capital Stock
1000.1925	Charter
1000.1930	Control
1000.1935	Eligible Account Holder
1000.1940	Eligibility Record Date
1000.1945	Employee
1000.1950	Equity Security
1000.1955	Insured Institution
1000.1970	Member
1000.1972	Net Worth
1000.1975	Officer
1000.1980	Person
1000.1982	Qualifying Deposit
1000.1985	Sale
1000.1990	Security
1000.1993	Source Documents
1000.1997	Subsidiary
1000.2005	Liquidation Account and Proxies
1000.2010	Mutual Holding Company Ceasing to be a Depository Institution
1000.2020	Directors of a Mutual Holding Company
1000.2030	Stock Sales

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1000.2040 Stock of a Subsidiary of a Mutual Holding Company
 1000.2050 Stock Subsidiary Formation
 1000.2055 Net Worth Maintenance Agreement
 1000.2060 Members' Rights
 1000.2070 Investment
 1000.2105 Notice Requirement/Corrective Action
 1000.2110 Insider Abuses
 1000.2120 Penalty (Emergency Expired)
 1000.2120 Determination of the Qualification and Condition of an Out-of-State Acquisition
 1000.2200 Disposal of a Subsidiary
 1000.2300 Dividends
 1000.2310 Officers and Directors List
 1000.2320 Access to Books and Records
 1000.2330 Reports (Emergency Expired)
 1000.2340 Annual Audit Requirements
 1000.2400 Maintenance of Records
 1000.2410 Notice of Appointment of CPA
 1000.2420 Savings and Loan Holding Company Filing Fees
 1000.2500 Savings and Loan Holding Company Supervisory Fees
 1000.2510 Examinations Fees
 1000.2520 Conditions
 1000.2530 Manner of Payment
 1000.2540 Transformation from Deposit to Non-Deposit (Emergency Expired)
 1000.2550

SUBPART O: SAVINGS AND LOAN ADVISORY BOARD

Section
 1000.2700 Purpose
 1000.2710 Composition, Appointment

AUTHORITY: Implementing and authorized by Section 7-3(b)(2) of the Illinois Savings and Loan Act of 1985 (205 ILCS 105/7-3(b)(2)) and Section 5-35 of the Illinois Administrative Procedure Act [5 ILCS 100/5-35].

SOURCE: Filed and effective January 18, 1974; amended at 2 Ill. Reg. 44, p. 179, effective October 30, 1978; emergency amendment at 2 Ill. Reg. 45, p. 169, effective November 1, 1978, for a maximum of 150 days; amended at 3 Ill. Reg. 5, p. 883, effective January 29, 1979; amended at 3 Ill. Reg. 11, p. 163, effective March 12, 1979; amended at 3 Ill. Reg. 19, p. 22, effective May 12, 1979; emergency amendment at 3 Ill. Reg. 39, p. 230, effective September 17, 1979, for a maximum of 150 days; emergency amendment at 4 Ill. Reg. 8, p. 207, effective February 14, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 30, p. 1241, effective July 14, 1980; emergency amendment at 5 Ill. Reg. 2524, effective February 19, 1981, for a maximum of 150 days; amended at 5 Ill. Reg. 7124, effective June 24, 1981; amended at 5 Ill. Reg. 7125, effective June 24, 1981; amended at 5 Ill. Reg. 11377, effective October 14, 1981; amended at 6 Ill. Reg. 3175, effective March 4, 1982; amended at 6 Ill. Reg. 4218, effective

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

April 6, 1982; amended at 6 Ill. Reg. 4219, effective April 6, 1982; amended at 6 Ill. Reg. 4227, effective April 6, 1982; amended at 6 Ill. Reg. 7141, effective June 1, 1982; amended at 7 Ill. Reg. 1993, effective January 28, 1983; codified at 7 Ill. Reg. 13669; amended at 8 Ill. Reg. 8630, effective June 1, 1984; amended at 8 Ill. Reg. 15066, effective August 7, 1984; emergency amendment at 9 Ill. Reg. 17437, effective October 24, 1985, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 4946, effective March 11, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 14290, effective August 20, 1986; amended at 10 Ill. Reg. 19781, effective November 6, 1986; amended at 11 Ill. Reg. 20648, effective December 2, 1987; emergency amendment at 11 Ill. Reg. 20672, effective December 3, 1987, for a maximum of 150 days; emergency amendments at 12 Ill. Reg. 8106, effective April 20, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 15165, effective September 13, 1988; amended at 13 Ill. Reg. 8927, effective May 26, 1989; amended at 16 Ill. Reg. 4881, effective March 17, 1992; transferred from Chapter III, 38 Ill. Adm. Code 400 March 17, 1992; transferred from Chapter III, 38 Ill. Adm. Code 400 (Commissioner of Savings and Loan Associations) to Chapter VIII, 38 Ill. Adm. Code 1000 (Commissioner of Savings and Residential Finance) pursuant to Savings Bank Act [205 ILCS 1003] at 17 Ill. Reg. 4464; recodified from Chapter III, Commissioner of Savings and Residential Finance, to Chapter VIII, Office of Banks and Real Estate, pursuant to PA 89-508, at 20 Ill. Reg. 12645; amended at 22 Ill. Reg. 6707, effective March 30, 1998; amended at 24 Ill. Reg. 53, effective JAN 01 2000.

SUBPART A: FEES

Section 1000.141 Supervisory Fees

a) The Commissioner shall receive, and there shall be paid to the Commissioner by each association and each service corporation operating under the provisions of the Illinois Savings and Loan Act of 1985, a fixed fee of \$450, plus a variable fee based on the total assets of each association and each service corporation as shown on the financial report filed with the Commissioner for the reporting period of the prior calendar year ended December 31 according to the following schedule: 25-4¢ per \$1,000 of the first \$2,000,000 of total assets, 22-6¢ per \$1,000 of the next \$3,000,000 of total assets, 20-14¢ per \$1,000 of the next \$5,000,000 of total assets, 17-64¢ per \$1,000 of the next \$15,000,000 of total assets, 15-14¢ per \$1,000 of the next \$25,000,000 of total assets, 12-6¢ per \$1,000 of the next \$50,000,000 of total assets, 10-8¢ per \$1,000 of the next \$400,000,000 of total assets, 7-56¢ per \$1,000 of the next \$500,000,000 of total assets, and 5-94¢ per \$1,000 of all total assets in excess of \$1,000,000,000 of such association or service corporation. In the situation where service corporations and/or finance subsidiaries are owned by the Association, the owned assets may be consolidated with the assets of the Association for calculation of this fee. If the finance subsidiary is not active and is in the form of a

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Collateralized Mortgage Obligation or a similar vehicle (Mortgage Backed Securities, Real Estate Mortgage Income Certificates, and other securitized debt instruments), the Commissioner shall waive that portion of the fee attributed to the finance subsidiary.

- b) The Commissioner shall receive and there shall be paid to the Commissioner by each association a fee of \$450 for each approved branch office or facility office established under the provisions of Subpart J of this Part. The determination of such fees shall be made annually as of the close of business of the prior calendar year ended December 31.

- c) One fourth of the sum of the supervisory fee so determined shall be remitted as billed by the Commissioner. Such fees shall be for the respective current year.

- d) Supervisory fees shall be determined by the Commissioner following the close of the respective calendar year; however, the dates of billings shall not prejudice the validity of an invoice for any such fees billed at a later date.

- e) In the event the state charter is converted or otherwise surrendered during the course of the year, the Commissioner shall determine the supervisory fee based on the total assets of the Association as of the month-end immediately preceding the cancellation of the state charter, except that the measurement date may be another date at the discretion of the Commissioner in the event an Association elects to liquidate. In determining whether to set another measurement date, the Commissioner shall consider the following elements: whether the association is undergoing a planned liquidation (where an association elects to not continue operations), or, the association has transferred significant assets (more than 1/2 of 1% of the total assets at the previous measurement date).

(Source: Amended at 24 Ill. Reg. 53, effective JAN 01 2000)

Section 1000.142 Adjusted Supervisory Fees

- a) The Commissioner shall receive and there shall be paid to the Commissioner an additional fee as an adjustment to the supervisory fee specified in Section 1000.141 of this Subpart, to be based upon the difference between the total assets of each association and each service corporation as shown by its financial report filed with the Commissioner for the reporting period of the calendar year ended December 31 on which the supervisory fee was based, and the total assets of each association and each service corporation as shown by its financial report filed with the Commissioner for the reporting period of the calendar year ended December 31 in which the quarterly payments referred to in Section 1000.141 of this Subpart are made according to the following schedule: 25-2¢ per \$1,000 of the first \$2,000,000 of total assets, 22-68¢ per \$1,000 of the next \$3,000,000

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of total assets, 20-16¢ per \$1,000 of the next \$5,000,000 of total assets, 17-64¢ per \$1,000 of the next \$15,000,000 of total assets, 15-11¢ per \$1,000 of the next \$25,000,000 of total assets, 12-6¢ per \$1,000 of the next \$50,000,000 of total assets, 10-8¢ per \$1,000 of the next \$400,000,000 of total assets, 7-56¢ per \$1,000 of the next \$500,000,000 of total assets, and 5-94¢ per \$1,000 of all total assets in excess of \$1,000,000,000 of such association or service corporation. In the situation where service corporations and/or finance subsidiaries are owned by the Association, the owned assets may be consolidated with the assets of the Association for calculation of this fee. If the finance subsidiary is not active and is in the form of a Collateralized Mortgage Obligation or a similar vehicle, the Commissioner shall waive that portion of the fee attributed to the finance subsidiary.

- b) Adjusted supervisory fees shall be remitted as billed by the Commissioner. In the event the total assets of each association and each service corporation as reported on the earlier financial report are more than the total assets as reported on the later annual report the Commissioner shall credit the next quarterly remittance of the supervisory fee in the same proportion.

- c) In the event the state charter is converted or otherwise surrendered during the course of the year, the Commissioner shall determine the supervisory fee based on the total assets of the Association as of the month-end immediately preceding the cancellation of the state charter, except that the measurement date may be another date at the discretion of the Commissioner in the event an Association elects to liquidate. In determining whether to set another measurement date, the Commissioner shall consider the following elements: whether the association is undergoing a planned liquidation (where an association elects to not continue operations), or, the association has transferred significant assets (more than 1/2 of 1% of the total assets at the previous measurement date).

(Source: Amended at 24 Ill. Reg. 53, effective JAN 01 2000)

Section 1000.151 Special Credit (Repealed)

~~The Commissioner shall issue a credit memorandum that each association operating under the provisions of the Illinois Savings and Loan Act of 1985 (285 ILCS 1051) may use to offset balances owed from the Supervisory Fee calculated in Section 1000.142 of this Part. The credit shall be calculated based on the total assets reported by each association as of December 31, 1996 as follows: 2-25¢ per \$1,000 of the first \$2,000,000 of total assets, 2-025¢ per \$1,000 of the next \$3,000,000 of total assets, 1-80¢ per \$1,000 of the next \$5,000,000 of total assets, 1-575¢ per \$1,000 of the next \$15,000,000 of total assets, 1-35¢ per \$1,000 of the next \$25,000,000 of total assets, 1-15¢ per \$1,000 of the next \$50,000,000 of total assets, 94¢ per \$1,000 of the next~~

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~~5400.000.000-of-total-assets-and-6750-per-54000-of-the-total-assets--in excess-of-5500.000.000--of--such-savings-bank--in-addition--the-credit-shall include-a-fixed-amount-of-5400.~~

(Source: Repealed at 24 Ill. Reg. 55, effective
JAN 01 2000)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Residential Mortgage License Act of 1987
- 2) Code Citation: 38 Ill. Adm. Code 1050
- 3) Section Numbers: Adopted Action:
1050.250 Amendment
1050.360 New
1050.410 Amendment
- 4) Statutory Authority: Implementing and authorized by the Residential Mortgage License Act of 1987 [205 ILCS 635]
- 5) Effective Date of Amendment: December 16, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, or including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 23 Ill. Reg. 8555-7/30/99
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this amendment replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The proposed rulemaking establishes new requirements pertaining to education requirements for certain employees. Each license which employs persons within Illinois to take residential mortgage applications from consumers is required to have such persons complete a minimum of 3 hours of education in real estate finance each year at a source approved by the Commissioner. Any person who becomes an employee of a license later than September first of any year shall be exempt from this education requirement in the year of his or her hire.

The proposed rulemaking also make a change in Section 1050.250 regarding "mail-in" examinations conducted pursuant to Section 1050.425(h). This

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amendment allows no charge for examination so long as the examination can be conducted in two days or less and the rating of the licensee remains such that the licensee continues to be eligible for the mail-in examination program.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Tom Schlenhardt
Legislative Liaison
500 E. Monroe, 9th Floor
Springfield IL, 62701
217/785-7476

The full text of the adopted amendment begins on the next page:

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER II: OFFICE OF BANKS AND REAL ESTATE
PART 1050
RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

SUBPART A: DEFINITIONS

Section	1050.110	Act
	1050.115	Administrative Decision
	1050.120	Assisting
	1050.125	Commissioner
	1050.130	Control
	1050.135	Document
	1050.140	Employee
	1050.145	First Tier Subsidiary
	1050.150	Hearing Officer
	1050.160	Material
	1050.165	Other Regulatory Agencies
	1050.170	Party
	1050.175	Principal Place of Business
	1050.180	Repurchase a Loan
	1050.185	State

SUBPART B: FEES

Section	1050.210	License Investigation Fees
	1050.220	License Fees
	1050.230	Amended License Fees - Corporate Changes
	1050.240	Duplicate Original License Fees
	1050.250	Examination Fees
	1050.255	Direct Expenses of Out-of-State Examinations
	1050.260	Additional Full-Service Office Fees
	1050.270	Hearing Fees
	1050.280	Late Fees (Repealed)
	1050.290	Manner of Payment

SUBPART C: LICENSING

Section	1050.310	Application for an Illinois Residential Mortgage License
	1050.320	Application for Renewal of an Illinois Residential Mortgage License
	1050.330	Waiver of License Fee
	1050.340	Full-Service Office
	1050.350	Additional Full-Service Office

OFFICE OF BANKS AND REAL ESTATE

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1050.360 Continuing Education Requirements for Certain EmployeesSUBPART D: OPERATIONS AND SUPERVISION

Section

1050.410 Net Worth

1050.420 Line of Credit (Repealed)

1050.425 Examination

1050.430 Late Audit Reports

1050.440 Escrow

1050.450 Audit Workpapers

1050.460 Selection of Independent Auditor

1050.470 Proceedings Affecting a License

1050.475 Change in Business Activities

1050.480 Change of Ownership, Control or Name or Address of Licensee

1050.490 Bonding Requirements

SUBPART E: ANNUAL REPORT OF MORTGAGE ACTIVITY, MORTGAGE BROKERAGE
ACTIVITY AND MORTGAGE SERVICING ACTIVITY

Section

1050.610 Filing Requirements

1050.620 Reporting Forms

1050.630 Annual Report of Mortgage Activity

1050.640 Annual Report of Brokerage Activity

1050.650 Annual Report of Servicing Activity

1050.660 Verification

SUBPART F: FORECLOSURE RATE

Section

1050.710 Computation of National Residential Mortgage Foreclosure Rate

1050.720 Computation of Illinois Residential Mortgage Foreclosure Rate

1050.730 Excess Foreclosure Rate

1050.740 Foreclosure Rate Hearing

1050.750 Commissioner's Authority - Unusually High Rate

SUBPART G: SERVICING

Section

1050.810 New Loans

1050.820 Transfer of Servicing

1050.830 Real Property Tax and Hazard Insurance Payments

1050.840 Payment Processing

1050.850 Toll-Free Telephone Arrangement

1050.860 Payoff of Outstanding Mortgage Loan

SUBPART H: ADVERTISING

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

Section
1050.910 General Prohibition
1050.920 Definition of Advertisement
1050.930 Compliance with Other Laws
1050.940 Requirements
1050.950 Misleading and Deceptive Advertising Prohibition

SUBPART I: LOAN BROKERAGE PRACTICES

Section

1050.1010 Loan Brokerage Agreement

1050.1020 Loan Brokerage Disclosure Statement

1050.1030 Prohibited Practice

SUBPART J: LOAN APPLICATION PRACTICES

Section

1050.1110 Borrower Information Document

1050.1120 Description of Required Documentation

1050.1130 Maintenance of Records (Repealed)

1050.1140 Loan Application Procedures

1050.1150 Copies of Signed Documents

1050.1160 Confirmation of Statements

1050.1170 Cancellation of Application

1050.1175 Maintenance of Records

SUBPART K: GENERAL LENDING PRACTICES

Section

1050.1210 Notice to Joint Borrowers

1050.1220 Inaccuracy of Disclosed Information

1050.1230 Changes Affecting Loans in Process

1050.1240 Prohibition of Unauthorized Lenders

1050.1250 Good Faith Requirements

SUBPART L: COMMITMENT AND CLOSING PRACTICES

Section

1050.1305 Approval Notice

1050.1310 Inconsistent Conditions Prohibited

1050.1315 Avoidance of Commitment

1050.1320 Charges to Seller

1050.1325 Intentional Delay

1050.1330 No Duplication to Borrower of Seller's Costs

1050.1335 Fees and Charges

1050.1340 Refunds on Failure to Close

1050.1345 Representative at Closing

1050.1350 Compliance with Other Laws

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1050.1355 Failure to Close - Disclosure
1050.1360 Escrow Account Agreements at Closing

SUBPART M: EXEMPTION GUIDELINES

Section
1050.1410 General
1050.1420 Interpretative Guidelines

SUBPART N: ADMINISTRATIVE HEARING PROCEDURES

Section
1050.1510 Applicability
1050.1520 Definitions
1050.1530 Filing
1050.1540 Form of Documents
1050.1550 Computation of Time
1050.1560 Appearance
1050.1570 Request for Hearing
1050.1580 Notice of Hearing
1050.1590 Service of the Notice of Hearing
1050.1595 Bill of Particulars or Motion for More Definite Statement
1050.1600 Motion and Answer
1050.1610 Consolidation and Severance of Matters - Additional Parties
1050.1620 Intervention
1050.1630 Postponement or Continuance of Hearing
1050.1640 Authority of Hearing Officer
1050.1650 Bias or Disqualification of Hearing Officer
1050.1660 Prehearing Conferences
1050.1670 Discovery
1050.1680 Subpoenas
1050.1690 Conduct of Hearing
1050.1700 Default
1050.1710 Evidence
1050.1720 Hostile Witnesses
1050.1730 Record of Proceedings
1050.1740 Briefs
1050.1750 Hearing Officer's Recommendation
1050.1760 Order of the Commissioner
1050.1770 Rehearings and Reopening of Hearings
1050.1790 Costs of Hearing

AUTHORITY: Implementing and authorized by the Residential Mortgage License Act of 1987 [205 ILCS 635].

SOURCE: Filed January 18, 1974; amended at 2 Ill. Reg. 2, p. 1, effective January 16, 1978; codified at 8 Ill. Reg. 4524; amended at 9 Ill. Reg. 17393,

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effective October 24, 1985; Part repealed by emergency rule at 12 Ill. Reg. 3041, and new Part adopted by emergency rule at 12 Ill. Reg. 3079, effective January 13, 1988, for a maximum of 150 days; Part repealed at 12 Ill. Reg. 8683, and new Part adopted at 12 Ill. Reg. 8685, effective May 10, 1988; emergency amendment at 12 Ill. Reg. 9721, effective May 18, 1988, for a maximum of 150 days; amended at 13 Ill. Reg. 17056, effective October 20, 1989; amended at 15 Ill. Reg. 8580, effective May 28, 1991; emergency amendment at 16 Ill. Reg. 2915, effective February 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10463, effective June 23, 1992; emergency amendment at 16 Ill. Reg. 12634, effective August 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 20179, effective December 9, 1992; amended at 17 Ill. Reg. 3513, effective March 2, 1993; transferred from Chapter III, 38 Ill. Admin. Code 450 (Commissioner of Savings and Loan Associations) to Chapter VIII, 38 Ill. Admin. Code 1050 (Commissioner of Savings and Residential Finance) pursuant to Savings Bank Act [205 ILCS 205] at 17 Ill. Reg. 4475; emergency amendment at 19 Ill. Reg. 11080, effective July 13, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 386, effective January 1, 1996; reclassified from Chapter VIII, Commissioner of Savings and Residential Finance, to Chapter II, Office of Banks and Real Estate, pursuant to PA 89-508, at 20 Ill. Reg. 12645; amended at 21 Ill. Reg. 10972, effective August 1, 1997; amended at 22 Ill. Reg. 230, effective December 19, 1997; amended at 24 Ill. Reg. 64, effective DEC 16 1999.

SUBPART B: FEES

Section 1050.250 Examination Fees

- a) Time expended in the conduct of any examination of the affairs of any licensee or its affiliates pursuant to the provision of Section 4-2 of the Act shall be billed by the Commissioner at a rate of \$400 per examiner day with the following exception: Examinations conducted pursuant to Section 1050.425(h) of this Part, known as "mail-in" examinations, shall be conducted at no charge so long as:
 - 1) the examination can be conducted in two days or less; and
 - 2) the rating of the licensee remains such that the licensee continues to be eligible for the mail-in examination program.
- b) Such fees shall be billed within forty-five ~~45~~ days following completion of the examination. However, the date of the billing shall not prejudice the validity of an invoice for any such fee or fees billed at a later date. Such fee shall be paid within thirty ~~30~~ days after of receipt of the examination billing of the Commissioner.

(Source: Amended at 24 Ill. Reg. 64 effective DEC 16 1999)

SUBPART C: LICENSING

OFFICE OF BANKS AND REAL ESTATE

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Section 1050.360 Continuing Education Requirements for Certain Employees

Each licensee that employs persons within Illinois to take residential mortgage applications from consumers is required to have those persons complete a minimum of 3 hours of education in real estate finance each calendar year at a source approved by the Commissioner. Any person who becomes an employee of a licensee later than September 1 of any year shall be exempt from this education requirement in the year of his or her hire.

(Source: Added at 24 Ill. Reg. 64 effective
DEC 16 1999)

SUBPART D: OPERATIONS AND SUPERVISION

Section 1050.410 Net Worth

- a) Amount. Except as provided in subsection (c) of this Section, each licensee shall maintain a minimum net worth of \$100,000.
- b) Calculation. Net worth shall be defined as total assets minus total liabilities, except that total assets shall not include the following:
 - 1) That portion of a licensee's assets pledged to secure obligation of any person or entity other than that of the mortgagee;
 - 2) Any asset (except construction loans receivable, secured by first mortgages from related companies) due from officers or stockholders having an interest;
 - 3) That portion of any marketable security (listed or unlisted) not shown at the lower of cost or market, except for any shares of Federal National Mortgage Association stock required to be held under a servicing agreement which shall be carried at cost;
 - 4) Any real estate held for sale or investment where development will not start within two 2 years from date of acquisition;
 - 5) Any amount in excess of the lower of the cost or market value of mortgages in foreclosure, construction loans, or foreclosed property acquired through foreclosures;
 - 6) Any amount shown on the books for investment in and advances to joint ventures, subsidiaries, affiliates, and selected companies which is greater than the value of the said assets at equity;
 - 7) Goodwill or value placed on insurance renewals or property management contract renewals or other similar intangibles;
 - 8) Organization costs;
 - 9) Any leasehold improvements not being amortized over the lesser of the expected life of the asset or the remaining term of the lease;
 - 10) Commitment fees paid which are not recoverable through the closing or selling of loans;
 - 11) The value of any servicing contracts not determined in accordance with Financial Accounting Standards Board Statement No. 65 and

OFFICE OF BANKS AND REAL ESTATE

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- 12) Any asset may be excluded from the calculation of the licensee's net worth upon the Commissioner's finding that including the asset undermines or may undermine, in whole or in part, any purpose of the Act, as identified at Section 1-2 of the Act. Any report or finding made under this subsection (b)(12) paragraph shall, in writing, identify which of the Act's purposes is or may be undermined and how including the asset results in such effect.
- c) ~~A Upon written approval of the Commissioner, a licensee that~~ engages solely in loan brokering as defined in Section 1-4(o) of the Act ~~is may be~~ excepted from complying with the net worth requirements of subsection (a) of this Section provided the ~~such~~ licensee provides written evidence to the Commissioner of the ~~such~~ licensee's conformance with a net worth of \$35,000, as required by Section 3-5 of the Act. The allowable components of the \$35,000 net worth shall conform pro rata with the net worth requirements of the United States Department of Housing and Urban Development, as set forth in The Audit Guide for Audits of HUD Approved Nonsupervised Mortgages for Use by Independent Public Accountants and be subject to subsection (b)(12) of this Section. The audit guide for audits of HUD approved non-supervised mortgages for use by independent public accountants can be obtained by contacting the U.S. Department of Housing and Urban Development, Office of Inspector General, 451 Seventh Street SW, Washington, D.C. 20410. This handbook was last issued August 25, 1997 (no subsequent dates or editions), under the title: Handbook 2000.04 REV-2, Consolidated Audit Guide for Audits of HUD Programs. In determining whether to grant such exceptions the Commissioner shall consider the financial condition, experience and background of such licensee.

(Source: Amended at 24 Ill. Reg. 34 effective
DEC 16 1999)

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Savings Bank Act
- 2) Code Citation: 38 Ill. Adm. Code 1075
- 3) Section Numbers: Adopted Action:
1075.141 Repeal
- 4) Statutory Authority: Implementing and authorized by the Savings Bank Act [205 ILCS 205]
- 5) Effective Date of Amendment: January 1, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, or including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 23 Ill. Reg. 8564-7/30/99
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this amendment replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: The rulemaking repeals Section 1075.141. This Section states the Commissioner shall issue a credit memorandum which each savings bank operating under the provisions of Illinois Savings Bank Act [205 ILCS 205] may use to offset balances owed from the Supervisory Fee calculated in Section 1075.14.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Tom Schlenhardt
Legislative Liaison
500 E. Monroe, 9th Floor
Springfield IL, 62701
217/785-7476

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The full text of the adopted amendment begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER 11: OFFICE OF BANKS AND REAL ESTATE

PART 1075

SAVINGS BANK ACT

SUBPART A: FILINGS

Section

1075.100

Fillings

1075.110

Conditions

1075.120

Examination Fees

1075.130

Supervisory Fees

1075.140

Adjusted Supervisory Fees

1075.141

Special Credit (Repealed)

SUBPART B: DEFINITIONS

Section

1075.200

Definitions

SUBPART C: REPORTS

Section

1075.300

Contracts

1075.310

Financial Reports

SUBPART D: OPERATIONS

Section

1075.400

Capital Stock (Repealed)

1075.410

Minimum Capital Requirement

1075.415

Conflicting Federal Powers, Law and Regulations

1075.420

Advertising

1075.430

Maintenance of Records

1075.440

Business Plan

1075.450

Excess Insurance

1075.455

Vacancies in the Board of Directors

1075.460

Bond of Officers, Directors, Employees and Agents

1075.465

Indemnification of Officers, Directors, Employees and Agents

1075.470

Deceptively Similar Names

1075.480

Manner of Display of Annual Meeting Notice

1075.490

Procedures for Exercise of Dissenters Rights

SUBPART E: INVESTMENTS

Section

1075.500

Prudent Person Rule

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

Investment Underwriting Practice

1075.505

Discrimination and Redlining

1075.510

Loans Secured by Real Estate

1075.515

Construction Loans

1075.520

Mobile Home Financing (Repealed)

1075.525

Overdraft Loans

1075.530

Education Loans

1075.535

Vehicle/Automobile Loans

1075.540

Home Equity Loans

1075.545

Letter of Credit

1075.550

Other Investments

1075.555

Commercial Paper

1075.560

Financial Futures

1075.565

Financial Options

1075.570

Finance Leasing

1075.575

Suretyship

1075.580

Asset Reserves

1075.585

SUBPART F: SERVICE CORPORATION AND OPERATING SUBSIDIARIES

Section

1075.600

Requirements

1075.610

Approval by the Commissioner

1075.620

Investment Limitations

1075.630

Investments by Service Corporations

1075.640

Ownership of Capital Stock of Service Corporation

1075.650

Prohibited Transactions

1075.660

Disclosure to Service Corporation

1075.670

Reporting Requirements

1075.680

Audit Requirements

SUBPART G: RELOCATIONS AND BRANCHING

Section

1075.700

General

1075.705

Application

1075.710

Request for Preliminary Determination

1075.715

Public Notice and Inspection

1075.720

Protest

1075.725

Oral Argument

1075.730

Application for the Maintenance of Branch Office after Conversion,

Consolidation, Purchase of Assets or Merger

1075.735

Redesignation of Offices

1075.740

Termination of Operation and/or Closing of a Branch Office

1075.745

Agency Offices

1075.750

Remote Drive-In and/or Remote Pedestrian Facilities

SUBPART H: CAPITAL NOTES AND DEBENTURES

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

Section	Approval
1075.800	Conversion to Stock
1075.810	Priority of Claim
1075.820	
SUBPART I: ADMINISTRATIVE HEARING PROCEDURES	

Section	Applicability
1075.900	Definitions
1075.905	Early Neutral Evaluation
1075.910	Conference Adjudicative Hearing
1075.915	Filing
1075.920	Form of Documents
1075.925	Computation of Time
1075.930	Appearances
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OFFICE OF BANKS AND REAL ESTATE

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1075.1965 Converted Savings Bank Prohibited from Repurchasing its Stock Without Approval
1075.1970 Limitation on Cash Dividends
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 1075.2115 Application to Furnish Information
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 1075.2125 Availability for Conferences in Advance of Filing of Application --
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 1075.2130 Appeal from Refusal to Approve Application
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 1075.2165 Conversion Incident to Acquisition by Savings Bank Holding Company
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 1075.2380 Proxy Statement -- Description of the Plan of Conversion
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 1075.2460 Proxy Statement -- Attachments
 1075.2500 Offering Circular
 1075.2510 Information Prohibited
 1075.2520 Offering Circular -- Certain Manner of Presentation of Required
 Information Prohibited
 1075.2530 Offering Circular -- Certain Named Persons -- Filing of Written
 Consent Required
 1075.2535 Offering Circular -- Information Required
 1075.2540 Offering Circular -- Additional Current Information Required
 1075.2550 Offering Circular -- Statement Required in Offering Circulars
 1075.2560 Offering Circular -- Preliminary Offering Circular
 1075.2570 Offering Circular -- Information with Respect to Exercise of
 Subscription Rights
 1075.2580 Offering Circular -- Information with Respect to Public Offering or
 Direct Community Offering
 AUTHORITY: Implementing and authorized by the Savings Bank Act [205 ILCS 205].
 SOURCE: Emergency Rules adopted at 14 Ill. Reg. 15029, effective September 4,
 1990, for a maximum of 150 days; adopted at 15 Ill. Reg. 1916, effective
 January 25, 1991; amended at 16 Ill. Reg. 4894, effective March 16, 1992;
 amended at 17 Ill. Reg. 6894, effective June 7, 1993; expedited correction at

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17 Ill. Reg. 18223, effective June 7, 1993; emergency amendment adopted at 18 Ill. Reg. 7016, effective April 22, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 15094, effective September 26, 1994; emergency amendment at 19 Ill. Reg. 10277, effective June 29, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15474, effective October 31, 1995; recodified from Chapter VIII, Commissioner of Savings and Residential Finance, to Chapter II, Office of Banks and Real Estate, pursuant to PA 93-508, at 20 Ill. Reg. 12645; amended at 22 Ill. Reg. 6719, effective March 30, 1998, amended at 24 Ill. Reg. 73 effective JAN 11 2000.

SUBPART A: FILLINGS

Section 1075.141 Special Credit (Repealed)

The Commissioner shall issue a credit memorandum which each savings bank operating under the provisions of the Illinois Savings Bank Act (265 ILCS 265/1075.140) of this Part. The credit shall be calculated based on the total assets reported by each savings bank as of December 31, 1996 as follows: 2.25¢ per \$1,000 of the first \$2,000,000 of total assets; 2.025¢ per \$1,000 of the next \$3,000,000 of total assets; 1.80¢ per \$1,000 of the next \$5,000,000 of total assets; 1.575¢ per \$1,000 of the next \$15,000,000 of total assets; 1.35¢ per \$1,000 of the next \$25,000,000 of total assets; 1.125¢ per \$1,000 of the next \$50,000,000 of total assets; .90¢ per \$1,000 of the next \$400,000,000 of total assets; and .675¢ per \$1,000 of the total assets in excess of \$500,000,000 of such savings banks. In addition, the credit shall include a fixed amount of \$400.

(Source: Repealed at 24 Ill. Reg. 73, effective JAN 11 2000.)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Illinois Conservation Corps Summer Youth Employment Grants-in-Aid Program
- 2) Code Citation: 17 Ill. Adm. Code 180
- 3) Section Numbers:
 180.10 Adopted Action:
 Repealed
 180.20 Repealed
 180.30 Repealed
 180.40 Repealed
 180.50 Repealed
 180.60 Repealed
 180.70 Repealed
 180.80 Repealed
 EXHIBIT A Repealed
 EXHIBIT B Repealed
- 4) Statutory Authority: Implementing and authorized by Section 468 of the State Parks Act [20 ILCS 835/4] and by The Civil Administrative Code of Illinois [805 ILCS 633/7].
- 5) Effective Date of Repealer: December 20, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted repealer, including any material incorporated reference, is on file in the agency principal office and is available for public inspection.
- 9) Date, Notice of Proposal Published in Illinois Register: October 8, 1999; 23 Ill. Reg. 12079
- 10) Has JCAR Issued a Statement of Objection to this Repealer: No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this repealer replace an emergency repealer currently in effect? No
- 14) Are there any amendments pending in this Part? No
- 15) Summary and Purpose of Repealer: This part is being repealed because the Illinois Conservation Corps program was disbanded in the late 1980s and is no longer in existence or funded.

DEPARTMENT OF NATURAL RESOURCES

DEPARTMENT OF PUBLIC HEALTH, TH

NOTICE OF ADOPTED REPEALER

NOTICE OF ADOPTED AMENDMENTS

16) Information and questions regarding this repealer shall be directed to:

Jack Price
Department of Natural Resources
524 S. Second Street, Room 485
Springfield, IL 62701-1787
217/782-1809

2) Code Citation: 2 Ill. Adm. Code 1125

3) Section Numbers: Adopted Action:

Amended

Amended

Amended

Amended

Attended

Amended 3-3-2

Amended

Amended

Amended

Amended

Amended

Amended

Amended

Amended

Amended

Added

Amended

Amended

Amended
8-22-3

Added

Amended

Amended

4) Statutory Authority: Implementing and authorized by Section 5-15 of the Illinois Administrative Procedure Act, 5 ILCS 100/5-15, and Section 2 of the Department of Public Health Act, 20 ILCS 2305/2.

5) Effective Date of Rulemaking: December 15, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: N/A

10) Has JCAR issued a Statement of Objections to these rules? N/A

11) Difference(s) between proposal and final version: N/A

DEPARTMENT OF PUBLIC HEALTH

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12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? N/A

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: Organizational changes.

16) Information and questions regarding these adopted amendments shall be directed to:

Name: Paul Thompson, Staff Attorney

Address: Division of Legal Services

535 West Jefferson, Fifth Floor

Springfield, Illinois 62761

Telephone: 217/782-2043

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION

SUBTITLE D: CODE DEPARTMENTS

CHAPTER XVIII: DEPARTMENT OF PUBLIC HEALTH

PART 1125

PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION CODE

SUBPART A: PUBLIC INFORMATION

Section
1125.10
Text of Rules

SUBPART B: RULEMAKING

Section
1125.110 Authority - Applicability of Rules
1125.120 Right to Petition
1125.130 Form of Petitions
1125.140 Submission of Petitions
1125.150 Consideration and Disposition of Petitions
1125.160 Responsibility
1125.170 Schedule for Rulemaking
1125.180 Public Comment-Hearings
1125.190 Boards and Commissions
1125.200 Administrative Rules of the Department

SUBPART C: ORGANIZATION

Section
1125.300 Organizational Overview
1125.310 Office of Health and Wellness **Services**
1125.320 Office of Health Care Regulation
1125.330 Office of Health Protection
1125.335 Illinois Building Commission
1125.340 Office of Epidemiology and Health Systems Development **Health Policy and Planning**
1125.350 Office of Finance and Administration **Program--and--Administrative Support**
1125.355 Office of Women's Health
1125.360 Office Locations

APPENDIX A

Petition Before the Illinois Department of Public Health
Requesting the Promulgation, Amendment, or Repeal of a Rule

APPENDIX B

Current Organizational Chart

APPENDIX C

Regions of the Illinois Department of Public Health

AUTHORITY: Implementing Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and Section 2 of the Department of Public Health Act [20

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

ILCS 2305/21.

SOURCE: Adopted at 2 Ill. Reg. 41, P. 71, effective October 14, 1978; codified at 8 Ill. Reg. 15934; amended at 10 Ill. Reg. 15232, effective September 8, 1986; amended at 13 Ill. Reg. 20065, effective December 7, 1989; amended at 24 Ill. Reg. 86, effective December 15, 1999.

SUBPART B: RULEMAKING

Section 1125.110 Authority - Applicability of Rules

This Part is promulgated pursuant to Section 5-145 of the Illinois Administrative Procedure Act [5 ILCS 100/5-145] This Part shall govern the form of Petitions for the adoption of rules that ~~which~~ are submitted to the Illinois Department of Public Health and the submission, consideration and disposition of these such Petitions.

(Source: Amended at 24 Ill. Reg. 86, effective December 15, 1999)

Section 1125.120 Right to Petition

Any interested person may petition the Illinois Department of Public Health (hereinafter the "Department") requesting the promulgation, amendment, or repeal of a rule (Section 5-145(b) of the Act). The such Petitions must ~~are~~ to be in compliance with this Part.

(Source: Amended at 24 Ill. Reg. 86, effective December 15, 1999)

Section 1125.130 Form of Petitions

- a) All Petitions requesting the promulgation, amendment, or repeal of a rule must be submitted to the Department in writing. Each Petition shall contain the following:
 - 1) the name of the individual or entity petitioning the Department; or if the individual is petitioning the Department on behalf of another individual entity, then the name of both the Petitioner and the individual on whose behalf the Petition is being filed;
 - 2) the complete mailing address that which the Department should use in directing its response to the Petition;
 - 3) a statement of the particular relevant interest of the Petitioner or of the individual on whose behalf the Petition is being filed;
 - 4) the rule(s) that which the Petitioner desires the Department to repeal or to revise, and, if the Petition is for an amendment, a clear statement of the desired change(s);
 - 5) if the Petition is for the adoption of a rule(s), a statement in

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

as much detail as possible, of the proposed text and nature of the desired rule(s); and,

- 6) a statement detailing the reasons and basis for the Petition, including any appropriate references.
- b) A model of the form of the Petition that which requests the information required under subsection (a) is incorporated into this Part as Appendix A. Copies of this Petition form may be obtained by contacting any office of the Department.

(Source: Amended at 24 Ill. Reg. 86, effective December 15, 1999)

Section 1125.140 Submission of Petitions

All Petitions must ~~are~~ to be submitted in duplicate to the following address:

Office of the Director
Department of Public Health
535 W. Jefferson St.
Springfield, Ill. 62761

(Source: Amended at 24 Ill. Reg. 86, effective December 15, 1999)

Section 1125.150 Consideration and Disposition of Petitions

- a) Petitions submitted under ~~in accord~~ with this Part will be given due consideration by the Department; the final decision on whether or not to initiate rule-making in accordance with the Petition will be made by the appropriate Deputy Associate Director or by the Director. ~~has~~
- b) If, within 30 days after submission of a Petition, the Department ~~not~~ initiated rule-making proceedings in accordance with Section 5-135 of the Illinois Administrative Procedure Act, the request Petitioner shall be deemed to have been denied (Section 3-145(b) of the Act). However, the Department is not then precluded, however, from later initiating rule-making proceedings that which at any time thereafter the Petition, in which case the Department may notify the Petitioner for informational purposes that the such act will be taken.
- c) In cases in response to the denial of such act in which rule-making is initiated in response to the Petition but constitutes an action in some different form than that which the Petition requested, the Department will within a reasonable time after its decision, notify the individual identified in the Petition of its decision.

(Source: Amended at 24 Ill. Reg. 86, effective December 15, 1999)

Section 1125.160 Responsibility

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- a) The Division of Legal Services Governmental-Affairs oversees all activities involved in the preparation of rules within the Department of Public Health. The Division of Legal Services Governmental-Affairs will be responsible for submission of rules to the Secretary of State for publishing and to the Joint Committee on Administrative Rules for review, as well as for all contacts with those entities.
- b) The official Department files and records concerning rules of the Department of Public Health will be maintained by the Division of Legal Services Governmental-Affairs.
- c) Responsibility for drafting the text of proposed rules shall rest with the appropriate Deputy Associate Director(s) or Senior Staff. Before filing, all rules will be reviewed by the Legal-Section-and Division of Legal Services Governmental-Affairs and approved by the Director.

(Source: Amended at 24 Ill. Reg. 86 —, effective December 15, 1999)

Section 1125.170 Schedule for Rulemaking

- a) Rules implementing new laws will be prepared within a timeframe developed by the Division of Legal Services Governmental-Affairs in consultation with the appropriate Deputy Associate Director(s) or Senior Staff. This timeframe may vary depending upon the extent of the rules involved as well as statutorily required timeframes. Rules will generally be prepared for all new programs, regardless of the availability of funds to implement the program.
- b) Regulatory changes proposed by program staff not in response to new legislation shall be prepared and submitted to the Division of Legal Services Governmental-Affairs on a quarterly basis. All proposed amendments to the same Part shall be consolidated by program staff into one rulemaking per quarter. Proposed amendments received on or before the beginning of a quarter (January 1, April 1, July 1, or October 1) will be prepared by the Division for filing during that quarter. If the proposed amendment is received after the beginning of a quarter, it will be held until the start of the next quarter.
- c) The provisions of subsection (b) of this Section may be waived by the Chief of the Division of Legal Services Governmental-Affairs if he or she determines that:
- 1) a proposed amendment qualifies as an emergency or peremptory rule as those terms are defined in Sections 5-43 and 5-50 of the Illinois Administrative Procedure Act [5 ILCS 100/5-43 and 5-50] [11th Rev. Stat. 1937-enr-1377 pars.-1495-43 and -1495-50]; or
 - 2) a waiver is in the best interest of the Department in promoting more effective program management.

(Source: Amended at 24 Ill. Reg. 86 —, effective December 15, 1999)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 1125.180 Public Comment-Hearings

- a) Written comments shall be designated as the proper public response to proposed rules unless a hearing is statutorily required or determined appropriate by the Division of Legal Services Governmental-Affairs in consultation with program staff.
- b) The Division of Legal Services Governmental-Affairs shall be responsible for conducting all public hearings with regard to changes in rules. The such hearings shall be held during the first 45-day period following the publication of proposed rules in the Illinois Register. A summary of the such public hearing shall be prepared by the Division of Legal Services Governmental-Affairs.

(Source: Amended at 24 Ill. Reg. 86 —, effective December 15, 1999)

Section 1125.190 Boards and Commissions

- a) The Department may utilize advisory boards for assistance in the preparation of rules and amendments to the rules thereto. Any review of proposed rules and amendments by an advisory board must be conducted within the time parameters established by the Division of Legal Services Governmental-Affairs.
- b) The only Departmental boards that which have the statutory authority to approve rules are the Hospital Licensing Board [210 ILCS 85/101, the Ambulatory Surgical Treatment Center Licensing Board [210 ILCS 5/24], the Illinois Experimental Organ Transplantation Procedures Board [20 ILCS 3935/3], the Long-Term Care Facility Advisory Board [210 ILCS 45/2-204], the State Emergency Medical Services Advisory Council [210 ILCS 50/3.200], the State Trauma Advisory Council [210 ILCS 50/3.205], and the Illinois Health Facilities Planning Board [20 ILCS 396/121].
- c) In the cases of the boards named in subsection (b) above, final approval of proposed rules and amendments must be received from these boards prior to the submission of the proposals to the Legal-Section and the Division of Legal Services Governmental-Affairs.

(Source: Amended at 24 Ill. Reg. 86 —, effective December 15, 1999)

Section 1125.200 Administrative Rules of the Department

The following Departmental and related rules are currently in force, unless otherwise indicated:

- a) 2 Illinois Administrative Code

Part 1125 Public Information, Rulemaking and Organization Code

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Part 1126 Freedom of Information Code

b) 35 Illinois Administrative Administration Code

Part 190 Joint Rules of the Illinois Environmental Protection Agency, and the Illinois Department of Public Health, and the Illinois Department of Nuclear Safety: Certification and Operation of Environmental Laboratories (Repealed)

c) 68 Illinois Administrative Code.

Part 750 Plumbers Licensing Code

d) 77 Illinois Administrative Code

Part 100 Rules of Practice and Procedure in Administrative Hearings

Part 190 Grant Payments for Goods/Services Rendered in Prior Fiscal Years

Part 200 Alcoholism and Intoxication Treatment Programs (Repealed)

Part 205 Ambulatory Surgical Treatment Center Licensing Requirements

Part 210 Postsurgical Recovery Care Center Demonstration Program Code

Part 215 Regional Poison Control Center Code

Part 230 Health Care Facility and Program Initial Certification Fee Code

Part 240 Minimum Health Care Standards for Health Maintenance Organizations

Part 245 Illinois ~~the~~ the ~~licensure-of~~ Home Health Agency Code Agencies

Part 250 Hospital Licensing Requirements

Part 260 Children's Respite Care Center Demonstration Program Code

Part 270 Subacute Care Hospital Demonstration Program Code

Part 280 Hospice Programs

Part 290 Health Care Facility Plan Review Code

Part 300 Skilled Nursing and Intermediate Care Facilities Code

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Part 330 Sheltered Care Facilities Code

Part 340 Illinois Veterans' Homes Code

Part 350 Intermediate Care for the Developmentally Disabled Facilities Code

Part 370 Minimum--Standards--~~for--the--licensure--of~~ Community Living Facilities Code

Part 385 Supportive Residences Licensing Code

Part 390 Long-Term Care for Under Age 22 Facilities Code

Part 395 Long-Term Care Assistants and Aides Training Programs Code

Part 396 Life Care Facilities Contract Code

Part 400 Central Complaint Registry

Part 420 Rules and Regulations to carry out the provisions of Title XVIII and XIX of the Social Security Act relating to skilled nursing and intermediate care facilities.

Part 430 Rules of Practice and Procedure in Administrative Hearings held pursuant to Sections 2-110(d) and 3-410 of the Nursing Home Care Reform Act of 1979

Part 450 Illinois Clinical Laboratories Code

Part 460 Blood Labeling Code

Part 463 Standards for Approval of Milk Laboratories (Repealed)

Part 465 Certification and Operation of Environmental Laboratories

Part 470 Sperm Bank and Tissue Bank Code

Part 475 Assessing Laboratory Service Fees for ~~toxicologic~~ Analysis

Part 480 Newborn Metabolic Screening and Treatment (Repealed)

Part 490 Illinois Blood Bank Code

Part 500 Illinois ~~the~~ Vital Records Code Act

Part 505 Pregnancy Termination Report Code

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Part 510 Testing of Breath, Blood and Urine for Alcohol and/or other Drugs

Part 515 Emergency Medical Services and Trauma Center Code

Part 518 Freestanding Emergency Center Demonstration Program Code

Part 520 The Treatment of Choking Victims

Part 525 Driver License Medical Advisory Board (Repealed)

Part 530 Medical Criteria Affecting Driver Performance (Repealed)

Part 535 Emergency Medical Services Code (Repealed)

Part 540 Illinois Trauma Center Code (Repealed)

Part 542 Trauma Nurse Specialist Course Code (Repealed)

Part 545 Sexual Assault Survivors Emergency Treatment Code

Part 547 Regional Ambulance Services Code

Part 550 Head and Spinal Cord Injury Code

Part 560 Violent Injury Reporting Code

Part 590 Family Practice Residency Code Act

Part 591 Visa Waiver Program for International Medical Graduates

Part 592 The Dental Student Grant Act

Part 593 Podiatric Scholarship and Residency Programs Code

Part 594 Distribution of Medical Student Scholarship Payback Funds

Part 595 Baccalaureate Assistance for Registered Nurses

Part 596 Illinois Rural Health Code

Part 597 Nursing Education Scholarships

Part 598 Allied Healthcare Professional Assistance Law

Part 600 Certified Local Health Department Code Minimum Qualification for Public Health Personnel -- Employed -- by -- Full-time -- Local Health Departments

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Part 610 Local Health Department Development Grant Rules

Part 615 Local Health Protection Grant Rules Program-Standard-for-Local-Health-Departments

Part 630 Program-Content-and-Guidelines-for Maternal and Child Health Services Code

Part 635 Program-Content-and-Guidelines-for-Witie-M Family Planning Services Code

Part 640 Regionalized Perinatal Health Care Code

Part 650 Rules and Regulations for Prenatal Care Projects (Repealed)

Part 655 Problem Pregnancy Health Services and Care Projects

Part 657 Maternal Death Review

Part 661 Newborn Metabolic Screening and Treatment Code (Formerly: The Prevention of Mental Retardation from Phenylketonuria, Primary Hypothyroidism and Galactosemia)

Part 663 Rules Governing the Reporting of Reye's Syndrome

Part 665 Child Health Examination Code

Part 675 Hearing Screening

Part 680 Hearing Training Applicant Requirements (Repealed)

Part 681 Audiometry Certification, Recertification and Calibration Standards (Repealed)

Part 682 Hearing Instrument Aid Consumer Protection Code

Part 684 Illinois Eyeglasses and Sunglasses Frames and Lenses Act

Part 685 Vision Screening

Part 690 Control of Communicable Diseases Code

Part 692 AIDS Drug Assistance Program

Part 693 Control of Sexually Transmissible Diseases Disease Code

Part 694 College Immunization Code

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- Part 695 Immunization Code immunizations
- Part 696 Control of Tuberculosis Code immunizing--School--Children (Repeated)
- Part 697 HIV/AIDS Confidentiality and Testing Code
- Part 698 Pertussis Vaccine Pamphlet Code
- Part 700 Renal Diseases Program for Care and Treatment Code
- Part 705 Hemophilia Program
- Part 710 Illinois Alzheimer's Disease and Related Disorders Assistance Code
- Part 720 The Illinois Food, Drug and Cosmetic Act
- Part 725 Salvage Warehouses and Stores for Foods, Alcoholic Liquors, Drugs, Medical Devices and Cosmetics Code
- Part 730 The Manufacturing, Processing, Packing or Holding of Food
- Part 735 Processors of Fresh and Smoked Fish
- Part 738 Processors of Cacao Products and Confectionary
- Part 740 Soft Drink Manufacturers
- Part 743 Sanitary Vending of Food and Beverages
- Part 750 Food Service Sanitation Code
- Part 760 Retail Food Store Stores Sanitation Code
- Part 770 Uniform Retail Meat Identity (Repealed)
- Part 775 Grade A Pasteurized Milk and Milk Products
- Part 785 Manufactured Dairy Products
- Part 790 The Illinois Formulary Drug for the Product Selection Program
- Part 795 Tanning Facilities Code
- Part 800 Recreational Area Code

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- Part 810 Youth Camp Code
- Part 820 Illinois Swimming Pool and Bathing Beach Code Minimum Sanitary Requirements--for--the--Design--and--Operation--of Swimming Pools--and--Bathing--Beaches
- Part 830 Structural Pest Control Code
- Part 840 Illinois Health and Hazardous Substances Registry
- Part 845 Prevention of Lead Poisoning Prevention Code
- Part 848 Toxic Art Supplies Code
- Part 850 Uniform Hazardous Substances Act of Illinois
- Part 855 Asbestos Abatement for Public and Private Schools and Commercial and Public Buildings in Illinois
- Part 860 Manufactured Home Community Code Mobile--Home--and--Mobile--Home Park
- Part 870 Illinois Manufactured Mobile Home Tie-Down Code Act
- Part 880 Manufactured Housing and Mobile Structures
- Part 890 Illinois Plumbing Code
- Part 895 Public Area Sanitary Practice Code for--Drinking--Water--Sewage--Disposal--and--Rest-Room-Facilities
- Part 900 Drinking Water Systems Code
- Part 905 Private Sewage Disposal Code
- Part 906 Private Sewage Wound Code
- Part 910 Field Sanitation Code
- Part 915 Illinois Water Well and Pump Installation Contractor's License Code Act
- Part 920 Illinois Water Well Construction Code
- Part 925 Illinois Water Well Pump Installation Code
- Part 930 Surface Source Water Treatment Code

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- Part 935 Migrant Labor Camp Code Camps
Part 945 Mass Gatherings (Repealed)
Part 960 Preventive Health and Health Services Block Grant PHS Rules Programs
Part 970 Breast and Cervical Cancer Research Fund Rules
Part 980 Heart Disease Treatment and Prevention Fund Rules
Part 990 Hemophilia Treatment Fund Rules

- Part 1005 Collection, Disclosure and Confidentiality of Health Statistics
Illinois Health Facilities Planning Board:
Part 1100 Narrative and Planning Policies
Part 1110 Processing, Classification Policies and Review Criteria
Part 1120 Health Facilities Planning Financial and Economic Feasibility Review
Part 1130 Health Facilities Planning Procedural Rules

- Part 1150 Certificate of Need for Health Maintenance Organizations (Repealed)
Part 1160 Processing an Application for Permit and Validity of Permits (Repealed)
Part 1170 Criteria and Procedure for Recognition of Area Wide Areawide Health Planning Organizations for Health Facilities Planning
Part 1180 Practice and Procedure in Administrative Hearings
Part 1190 Permit Application Fees
Part 1200 Public Notice of Opportunity for Public Hearing Health and Public Hearing Procedures
Part 1210 Standards and Criteria for Review of Applications for Permit for Technologically Innovative Equipment or Innovative Programs (Repealed)

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- Part 1220 Practice and Procedures Procedure in Reconsideration Hearings (Repealed)
Part 1230 Financial and Economic Feasibility Review and Evaluation Plan (Repealed) for---all---hospitals---kidney---disease treatment---centers---free---standing---hemodialysis---unitary ambulatory---surgical---treatment---centers---health---maintenance organizations

- Part 1235 Health Care Worker Self-Referral
Part 1240 Financial and Economic Feasibility Review and Evaluation Plan (for all long-term care and chronic disease facilities) (Repealed)
Part 1250 Appropriateness Review
Part 1260 State Board Policy Regarding Reserve Bed Capacity
Experimental Organ Transplantation Procedures Board:
Part 2800 Transplantation Program
Hearing Aid Consumer Protection Board:

- Part 3000 Hearing Aid Consumer Protection Continuing Education Requirements

e) 89 Illinois Administrative Administration Code

- Part 1000 Rules of Practice in Administrative Hearings: Subpart D: Joint Rules with the Department of Public Aid

Note: The text of this Part 1000 appears at 89 Ill. Adm. Code 104, Subpart D.

(Source: Amended at 24 Ill. Reg. 86, effective December 15, 1999)

SUBPART C: ORGANIZATION

Section 1125.300 Organizational Overview

- a) The Director serves as head of the Department and is appointed to this office by the Governor of the State of Illinois, by and with the advice and consent of the Senate. The Office of the Director consists of the following components: Chief of Staff, Executive Assistant to the Director for Customer Service, Division of Legal Services,

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Division of Governmental Affairs, Division of Internal Audits, Division of Communications, Minority Health Services, and Office of the Equal Employment Opportunity Officer.

b) The Assistant Director serves as an assistant to the head of the Department and is appointed to this office by the Governor of the State of Illinois, with the advice and consent of the Senate. The Assistant Director is responsible for the operations of the Center for Rural Health and of the Hearings Review.

c) The Chief of Staff, Executive Assistant to the Director for Customer Service, Office of Health-Policy-and-Planning, Division of Legal Services, the Division of Governmental Affairs, Division of Internal Audits, Division of Communications, Minority Health Services, and the Equal Employment Opportunity Officer report directly to the Director.

d) The State Medical-Pertinence Board and the Board of Public Health Functions Advisors-function as an advisory body bodies to the Director. The Board performs boards-perform those functions set forth in statute.

e) The Assistant Deputy Director oversees the day-to-day operation of the Department, including the development, interpretation and implementation of policies, and evaluation of the effectiveness of the Department's operations. The Assistant Deputy Director also provides technical assistance and supervision of the Deputy four--Associate Directors who manage the Offices of Epidemiology and Health Systems Development, Health and Wellness, Women's Health Services, Health Care Regulation, Health Protection, and Finance and Administration Program and-Administrative-Support.

f) The Department is organized into the following six major offices: Office of the Director, Office of Epidemiology and Health Systems Development, Office of Health and Wellness, Office of Women's Health Services, Office of Health Care Regulation, Office of Health Protection, Office of Health-Policy-and-Planning, and Office of Finance and Administration Program-and-Administrative-Support. In addition, the Department has eight Regional Offices, each administered by a Regional Health Officer. The co-central offices in Springfield and Chicago provide the managerial and support services necessary to enable the provision of well-planned and carefully monitored services. The centrally-located program coordinators provide statewide consistency to the programs.

g) An organizational chart of the Department is contained in Appendix B.

(Source: Amended at 24 Ill. Reg. 8 § effective December 15, 1999)

Section 1125.310 Office of Health and Wellness Services

a) The Office of Health and Wellness Services delivers financial and technical assistance to individuals and providers in an effort to ensure that basic preventive health care is available statewide.

b) The Office of Health and Wellness Services is composed of the following six divisions: Division of Center-for Health Promotion and Health Education, Division-of--Family--Health, Division of Chronic Disease Prevention and Control Diseases, Division of Oral Bentel Health, Division-of-Alcohol-and-Substance-Testing and Division of Health Assessment and Screening. Each of these units is responsible for administering a variety of key public health programs primarily directed toward preventive and high-risk reduction.

c) The following preventive activities are administered by the Divisions in the Office of Health and Wellness Services:

- 1) Reduction in infant mortality, morbidity and developmental disabilities.₇
- 2) Coordination of a comprehensive range of services to prevent unintended/premature pregnancy, to prevent health risks associated with teen parenting and to provide a variety of support services to adolescents and adolescent families.₇
- 3) Nutrition education and food supplements for women, infant and children.₇
- 4) Reduction of infant mortality and developmental disabilities through screening for genetic problems such as PKU and Hypothyroidism.₇
- 5) Training for providers of prenatal, maternity and newborn care.₇
- 6) Perinatal program including medical payment for certain eligibles and education and outreach efforts.₇
- 7) Financial and technical assistance to local health agencies and to other public and private agencies.₇
- 8) Improved control of hypertension.₇
- 9) School health activity.₇
- 10) Rape crisis and prevention activities.₇
- 11) Vision and hearing screening.₇
- 12) Dental Sealants for Children.₇
- 13) Family planning programs.₇
- 14) Control of chronic disease programs such as Alzheimer's Disease, Renal Dialysis, Hemophilia and Experimental Organ Transplantation.₇
- 15) Dental consultation and dental health education.₇
- 16) Monitoring fluoride levels of community water supplies.₇
- 17) Surveillance of Health Risk Behaviors.₇
- 18) Inspection and maintenance of breath analysis equipment used in implementing Illinois Illinois--Impaired-Consent law addressing which-addresses the problem of drunk driving.₇
- 19) Complications of diabetes.₇
- 20) Training school health personnel.₇
- 21) Detection of childhood lead poisoning.₇
- 22) Sudden Infant Death Syndrome.₇
- 23) Smoking Prevention and Cessation.₇
- 24) Injury Prevention Services.₇
- 25) Childhood Injury Control.₇

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- 26) Parents Too Soon.⁷
 27) Cancer Prevention Control.⁷
 28) Smokeless Tobacco.⁷
 29) Licensing of Breath Analysis Equipment Operations.⁷
 30) Administration of Preventive Health and Health Services and Maternal and Child Health Block Grants.⁷

(Source: Amended at 24 Ill. Reg. 86 effective December 15, 1999)

Section 1125.320 Office of Health Care Regulation

- a) The Office of Health Care Regulation is composed of the Division of Administration and Technical Support, Bureau of Long-Term Care, Bureau of Hospitals and Ambulatory Services, Division of Emergency Medical Services and Highway Safety, and the Division of Administrative Rules and Procedures. The Bureau of Hospitals and Ambulatory Services is composed of the Division of Health Care Facilities and Programs and the Central Complaint Registry. The Bureau of Long-Term Care is composed of the Division of Long-Term Care Field Operations, the Division of Long-Term Care Quality Assurance and the Division of Education and Training Section Research. Each of these Divisions is responsible for administering a variety of regulatory public health programs that which are directed towards ensuring quality care in health care facilities and health care delivery organizations.
- b) The following regulatory, preventive, and enforcement activities are administered by Divisions within the Office of Health Care Regulation:
- 1) Conduct inspections, including complaint investigations, for State licensure and Medicare and Medicaid certification for long-term care facilities to ensure that services, staffing, and physical plant standards are met.
 - 2) Conduct inspections, including complaint investigations, for State licensure and Medicare and Medicaid certification for hospitals to ensure that services, staffing, and physical plant standards are met.
 - 3) Conduct inspections, including complaint investigations, for State licensure and Medicare certification for home health agencies to ensure that services and staffing standards are met.
 - 4) Conduct inspections, including complaint investigations, for State licensure and Medicare certification for ambulatory surgical treatment centers (ASC) to ensure that services, staffing, and physical plant standards are met.
 - 5) Conduct inspections, including complaint investigations, for Medicare certification for physical therapists in independent practice, outpatient physical therapy programs, outpatient speech pathology programs, portable x-ray providers, and rural health clinics to ensure that services and staffing standards are met.
 - 6) Conduct inspections, including complaint investigations, for

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- Medicare certification for end stage renal dialysis centers (ESRD) to ensure that services, staffing, and physical plant standards are met.
- 7) Conduct inspections, including complaint investigations, for State licensure and Medicare certification for hospice programs and hospice residences to ensure that services, staffing, and physical plant standards are met.
 - 8) Regulate health maintenance organizations.
 - 9) Conduct inspections, including complaint investigations, for State licensure under the Alternative Health Care Delivery Act (210 ILCS 2) for the following authorized models: subacute care hospital demonstration programs, postsurgical recovery care center demonstration programs and children's respite care center demonstration programs to ensure that services, staffing, and physical plant standards are met.
 - 10) Conduct inspections, including complaint investigations, for State licensure for community living facilities and supportive residences to ensure that services, staffing, and physical plant standards are met.
 - 11) Conduct inspections, including complaint investigations, for certification of clinical laboratories, blood banks, tissue and sperm banks to ensure that services, staffing, and physical plant standards are met.
 - 12) Review and approve construction plans for health care facilities to ensure that physical plant standards are met.
 - 13) Serve as the agent of the Health Care financing Administration, Department of Health and Human Services, to determine compliance with Federal Conditions of Participation under the Medicare program and as the agent of the Department of Public Aid to determine compliance under the Medicaid program.
 - 14) Approve training programs and regulate the training of certified nursing assistants.
 - 15) Maintain and report the status of individuals on the Nurse Aide Registry.
 - 16) Administer the Health Care Worker Background Check Act, 225 ILCS 46, for health care facilities licensed by the Department.
 - 17) Inspect and license ambulance providers and Specialized Emergency Medical Services Vehicle Programs.
 - 18) License Emergency Medical Technicians (EMT).
 - 19) Register First Responders and Emergency Medical Dispatchers.
 - 20) Recognize Poison Control Centers.
 - 21) Administer the rural ambulance grant.
 - 22) Inspect and designate trauma centers.
 - 23) Establish Emergency Medical Services (EMS) Regions, approve EMS regional plans, and approve EMS Systems.
 - 24) Conduct inspections, including complaint investigations, for State licensure of freestanding emergency centers to ensure that services, staffing, and physical plant standards are met.

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- 25) Approve EMS Lead Instructors, Pre-hospital Registered Nurses, and Emergency Communications Registered Nurses.
- 26) Provide certification of Trauma Nurse Specialists and designation of Trauma Nurse Specialist training sites.
- 27) Provide restaurants with posters that demonstrate choke-saving procedures.
- 28) Maintain a 24-hour-a-day hotline to receive complaints about licensed or certified health care facilities.
- 29) Collect and disseminate data related to trauma, head and spinal cord injuries, and violent injuries.
- 30) Establish licensing standards for the programs and facilities listed in paragraphs (1) through (29).
- 31) Maintain a prehospital computerized reporting system.
- 32) Administer a comprehensive pediatric emergency care system.
- 33) Address issues related to State medical disasters and emergency preparedness and responses to biochemical threats and weapons of mass destruction.

- 1) Provide for inspection of all complaints related to long-term care facilities to determine validity and level of violation.
- 2) Regulate health care provided by health maintenance organizations.
- 3) Conduct Medicare and licensure surveys and investigations of Home Health Agencies.
- 4) Conduct Medicare and licensure surveys and investigation of Ambulatory Surgical Treatment Centers.
- 5) Conduct Medicare surveys for physical therapists in independent practice; outpatient physical therapy programs; outpatient speech pathology programs; portable x-ray facilities; and rural health clinics; screening mammography providers; home intravenous therapy providers; and end-stage renal disease (ESRD) facilities.
- 6) Provide for surveys, consultation, licensing, complaint investigations, and evaluation of quality of care to ensure that health services delivered in hospitals meet existing standards.
- 7) Provide restorative nursing knowledge, skill, and clinical practice for registered nurses who care for patients/residents in a rehabilitation setting.
- 8) Provide for training of persons responsible for teaching patient care to nurses aides.
- 9) Serve as the agent of the Health Care Financing Administration Department of Health and Human Services to determine compliance with the Federal Conditions of Participation under the Medicare and Medicaid Programs.
- 10) Conduct surveys for licensing to ensure that regulated health care facilities are constructed, staffed, and equipped so that appropriate care is provided to every patient or resident. Also certify long-term care facilities as meeting the requirements of the Medicare and Medicaid Programs.
- 11) Inspection and licensure of ambulances and specialized vehicles.

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- 12) Training and Certification of Emergency Medical Services and Highway Safety Personnel and Equipment.
- 13) Person Control rather than Lead?
- 14) Licensure and inspection of clinical laboratories and blood banks. Medicare certification of clinical laboratories.
- 15) Inspection and designation of trauma centers.
- 16) Provide medical examination of persons whose ability to drive may be impaired.
- 17) Approve programs for training trauma nurse specialists.
- 18) Provide restaurants with posters which demonstrate choke-saving procedures.

(Source: Amended at 24 Ill. Reg. 86, effective December 15, 1999)

Section 1125.330 Office of Health Protection

- a) The Office of Health Protection is composed of the following five divisions: Division of Infectious Diseases; Division of Food, Drugs and Baiters; Division of Environmental Health; Division of Epidemiologic Studies and Division of Laboratories.
 - 1) Division of Environmental Health.
 - 2) Division of Laboratories.
 - 3) Division of Food, Drugs and Dairies.
 - 4) Division of Infectious Diseases.
 - 5) Emergency Response.
 - 6) Plumbing Program.
 - 7) Local Health Protection Grant Program.
 - 8) Illinois Building Commission (See Section 1125.335 for program activities of the Illinois Building Commission).
- b) The following activities are administered by the Division of Environmental Health: Divisions in the Office of Health Protection.
 - 1) Licensure of occupations involved in performing lead inspections, risk assessment, contracting, supervision and abatement and mitigation in dwellings and child care facilities; approval of lead training course providers who offer training to individuals seeking licensure; and investigation of dwellings and child care facilities to identify and eliminate environmental lead hazards that are sources of lead poisoning. Development and establishment of the Illinois Health and Hazardous Substances Registry which compiles, collects and correlates public health data concerning cancer incidences, adverse pregnancy outcomes, occupational diseases and hazardous substances.
 - 2) Review and approval of building plans for manufactured housing; inspection of manufactured housing units at the factory and at final locations.
 - 3) Review and approval of mobile home tie-down equipment inspection

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- 4) ~~Of --inspect tie-down installations.~~⁷
- 5) Inspection and regulation of non-community public noncommunity water supply systems.⁷
- 6) ~~Inspection, bacteriological and chemical analyses, and technical assistance to citizens regarding their private water supplies.~~⁷ ~~including construction, location and operation of wells and pump installations; licensure~~ licensure of water well drillers and water well pump installation contractors; permitting, inspection and sampling of new water wells to ensure proper construction and provision of grants and training to local health departments to conduct the program.
- 7) ~~Licensure of private sewage disposal system installation and pumping contractors; review of plans for the installation of systems; and sewage haulers and inspection of systems, trucks used to pump septic tanks and sites for final disposal; consultation and training for local health departments conducting the program.~~
- 8) ~~Review of plans and specifications for public swimming pools and bathing beaches; issuance of construction permits, and inspection of public swimming pools and bathing beaches for annual licensure; and laboratory testing of pool and beach water.~~⁷
- 9) ~~Licensure of all Illinois plumbers and inspection of the work of licensed plumbers.~~⁷ ~~Approval of plans and issuance of permits for construction or alteration of manufactured home communities; mobile home parks; inspection and annual inspection for proper water supply, sewage disposal, electrical systems and other health and safety requirements; and licensure of manufactured home communities, mobile home parks.~~
- 10) ~~Inspection and licensure of migrant labor camps to ensure proper sanitation, adequate and safe water supply, and proper sewage disposal.~~⁷
- 11) ~~Inspection and licensure of recreational areas and youth camps for compliance of water supply, sewage disposal and electrical systems; food handling procedures and facilities; plans; plans and specifications for new recreation areas and youth camps are reviewed and permits to construct are issued.~~⁷
- 12) ~~Surveying and responding to inquiries regarding chemical exposures and possible health effects to humans; investigation of health risks to populations residing around hazardous waste sites; and investigation of health-related complaints involving indoor air pollution. Investigation of incidents involving individuals who have been exposed to toxic chemicals in the environment; consultation on methods to reduce or eliminate exposures and the need for medical follow-up are provided.~~
- 13) ~~Investigation of injuries associated with consumer products and of suspected product defects.~~⁷
- 14) ~~Licensure of structural pest control technicians and businesses; inspection of the use of pesticides in and about~~

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- 15) ~~Inspect retail food establishments to ensure compliance with sanitary standards.~~⁷
- 16) ~~Collection of blood samples from wild birds in central and southern Illinois to determine the presence of antibodies to St. Louis encephalitis and eastern equine encephalitis, which collection allows to allow advance warning of an a--St--Louis encephalitis outbreak; public information and mosquito--Mosquito control measures are then implemented to reduce the severity of an outbreak.~~⁷
- 17) ~~Licensing of occupations involved in performing asbestos abatement in schools, commercial and other public buildings; inspection of asbestos projects; review of asbestos management plans for schools; approval of asbestos training providers; and inspection of schools to determine compliance with State and Federal laws. Inspection of all educational facilities in the State grades K-12 for friable asbestos; perform a hazard assessment of the surveys and determine what abatement measures are required at each school; license asbestos workers and complete list of contractors for school asbestos abatement work.~~⁷
- 18) ~~Ensuring that adequate toilets, handwashing facilities and drinking water are provided by farm operators who employ where ten or more workers are employed for more than two hours a during the day.~~⁷
- 19) ~~Reduction of injury or illness to school children caused by exposure to art and craft materials that which contain toxic substances, through review of these such products and assurance of proper labeling.~~⁷
- 20) ~~Short term studies of the health status of populations living around hazardous waste Federal Superfund--Superfund--sanefit sites and recommendation of medical follow-up, as appropriate, sites on the State Remedial Action Priority list; Recommend medical follow-up if appropriate.~~⁷
- 21) ~~The following activities are conducted by the Division of Laboratory:~~
- 22) ~~Laboratory testing for bacteria, viruses, parasites and environmental toxins that threaten the health of individuals.~~⁷
- 23) ~~Blood testing testing of blood of every newborn infant for evidence of congenital--hypothyroidism, galactosemia, or phenylketonuria; hypothyroidism, galactosemia, biotinidase deficiency; congenital adrenal hyperplasia and sickle cell disease; trait and other hemoglobinopathies.~~⁷
- 24) ~~Laboratory examination of swimming pool water as needed for public health protection.~~⁷
- 25) ~~Certification of private environmental laboratories that conduct microbiological water testing.~~⁷
- 26) ~~The following activities are administered by the Division of Food,~~

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Drugs and Dairies:

- 122) Inspection of inspect food processors, and manufacturers, and warehouses to ensure food is wholesome, unadulterated and properly labeled.⁷
- 2) Issuance of food advisories and recalls and issuance of Certificates of Free Sale for Illinois firms who wish to export their products to foreign countries.
- 323) Inspection of drug, cosmetic and medical device manufacturers to ensure products are wholesome, unadulterated and properly labeled.⁷
- 424) Completion and maintenance of provide a formulary for use by physicians and dispensers of prescription drugs which defines generic drugs that are therapeutically equivalent to brand name drugs.⁷
- 525) Conducting sanitary rating surveys to qualify Illinois produced and processed milk and dairy products for shipment in interstate commerce.⁷
- 626) Inspection Conducting inspections of Grade A fluid milk and manufactured milk plants, producer dairies, bulk milk tank operators, receiving and transfer stations, milk vendors and distributors, to ensure compliance with rules and regulations.⁷
- 727) Certification of certify food service management personnel.⁷
- 828) Training and certification of local and State state food sanitation supervisory personnel in food establishment sanitation techniques; review --review and evaluation of evaluate local food sanitation programs.⁷
- 9) Inspection of retail food establishments to ensure compliance with sanitary standards.
- 1029) Daily sanitation surveillance over the operation of food concessions and dairy operations at the annual Illinois State Fair and DuQuoin State Fair.⁷
- 1130) Consultation and education in food service management to promote adequate sanitation.⁷
- 1231) Sampling of dairy farm and dairy plant raw and finished products and water supplies to ensure bacteriological safety.⁷
- 13) Issuance of permits to tanning facility operators and grants to local health departments to conduct annual inspections of such facilities for sanitation, operator training, equipment maintenance, physical standards, and proper recordkeeping.
- 14) Providing grants to local health departments to assure the safe food preparation and service to underprivileged children at a special feeding program during the summer.
- 337) laboratory-examination-of-swimming-pool--water-as-needed-for public-health-protection;
- e) The following activities are administered by the Division of Infectious Diseases:
- 134) Technical guidance to local health departments on the investigation and control of infectious diseases.⁷

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- 235) Statewide direction in tuberculosis control by providing consultation, educational programs and limited direct assistance to local authorities.⁷
- 336) Comprehensive sexually transmitted disease prevention and control including the coordination of similar efforts by local health departments through surveillance, patient and partner referral counseling counseling and testing and treatment, education, and technical consultation and assistance.⁷
- 437) Comprehensive vaccine preventable disease control through surveillance; outbreak control; technical and general consultation to all health care providers and school administrators; education and motivation; assessment of immunization levels in specified populations; and provision of vaccines for use in public clinics.⁷
- 530) Statewide communicable disease control including the coordination of similar efforts by local health departments and other health care providers to promote reporting, investigation and control of the communicable diseases required by regulation to be reported; collection and evaluation of data to determine appropriate action needed to control reportable communicable diseases; --investigate and investigation of cases and outbreaks outbreaks of infectious diseases in areas without local health departments.⁷
- 639) Funding, consultation, training and planning for the provision of medical and social support services to persons living with HIV; provision of HIV-related therapeutic drugs for low income persons living with HIV; funding, training and consultation to local health departments for HIV/AIDS counseling, testing, referral and partner notification services; provision of HIV health education and risk reduction information services; and monitoring of the HIV/AIDS epidemic through case reporting requirements. Statewide-Acquired-immunodeficiency-Syndrome-(AIDS) Control-through-surveillance-and-prevention--including-laboratory support--counseling--and--testing--services--education--and-the coordination-of-similar-efforts-by-local-health--departments--and other--health--care--providers--to--promote--reporting--and investigation-of-cases-of-AIDS-and-human--immunodeficiency--virus infection.⁷
- 740) Conducting epidemiological investigations of communicable disease outbreaks involving food borne illness, natural disasters, transportation emergencies, fires and other unique health related emergencies. Investigation-of-incidents-involving food--borne-illness--natural-disasters--transportation emergencies--fires-and-other-unique-health-related-emergencies.
- f) Emergency Response. The Department's response and recovery activities for statewide public health emergencies are coordinated in the Office of Health Protection. Activities include development of emergency operating procedures for natural and technological disaster response

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and recovery activities, and representation of the Department in the State Emergency Operations Center during statewide emergency operations.

- g) The following activities are administered by the Plumbing Program:
 - 1) Examination and licensure of all Illinois plumbers and inspection of the work of licensed plumbers.
 - 2) Identification and initiation of enforcement action against individuals conducting plumbing procedures without a license.
- h) Local Health Protection Grant Program. This program provides funding to local health departments that agree to assure the provision of health protection programs, including food protection, potable water supply, private sewage disposal, and communicable disease control, in their jurisdictions. Participating local health departments are reviewed by the Department for compliance with grant requirements.

(Source: Amended at 24 Ill. Reg. 86, effective December 15, 1999)

Section 1125.335 Illinois Building Commission

- a) When used in this Part:

"Act" means the Illinois Building Commission Act.

"Commission" means the Illinois Building Commission [Section 5 of the Act].

"State agency" has the same meaning as in Section 1-7 of the Illinois State Auditing Act [Section 5 of the Act].

"State building requirements" means any law, rule, or executive order implemented by the State of Illinois affecting the construction of buildings in Illinois [Section 5 of the Act].

- b) An advisory commission, to be known as the Illinois Building Commission, is created. The Commission shall consist of 11 members, including: a fire official, a building official, an architect, a professional engineer, a structural engineer, a commercial contractor representative, a residential construction industry representative, a mechanical and specialty contractor representative, a labor representative, a disability advocate, and a member of the public. The Commission shall be appointed by the Governor, with the advice and consent of the Senate, [Section 10 of the Act].

- c) The fire official, architect, structural engineer, commercial contractor representative, labor representative, and member of the public shall serve initial terms of 2 years. The building official, professional engineer, residential construction industry representative, mechanical and specialty contractor representative, and disability advocate shall serve initial terms of 3 years. Each

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subsequent term shall be for 3 years. Members may be appointed for more than one term. A chairman of the Commission shall be elected each year by the members of the Commission. Commission members shall be reimbursed for travel expenses and shall receive a per diem for each day that the Commission or a subcommittee on which the member serves meets. Reimbursement shall be consistent with the rules of the Governor's Travel Control Board. Commission members shall be reimbursed for travel expenses and shall receive a per diem for each day that the Commission or a subcommittee on which the member serves meets. Reimbursement shall be consistent with the rules of the Governor's Travel Control Board. [Section 15 of the Act].

- d) The Commission shall create and appoint members and non-members to the following subcommittees: the planning subcommittee, the building and fire protection subcommittee, the building envelope subcommittee, the structural systems subcommittee, the building services subcommittee, and the accessibility subcommittee. There shall be at least 5 members but not more than 9 members on each subcommittee. The subcommittees shall advise the Commission on any item before the Commission that deals with the area of expertise of the subcommittee. The Commission may create any other subcommittee that it deems necessary. [Section 20 of the Act].

- e) The Commission shall provide an ongoing forum for continuing dialogue regarding the purpose and duties of the Commission. The Commission shall also serve as a forum to suggest resolution of conflicts between State agencies, or between a State agency and another entity that consents to the resolution forum, concerning State building requirements. [Section 25 of the Act].

- f) The Commission shall review proposed State building requirements amendments and proposed legislation for conflicting requirements to current State law or current building requirements and make recommendations concerning those amendments or laws to the proper authority. The Commission shall:
 - 1) suggest a standard form for requesting compliance alternatives and modifications of State building requirements;
 - 2) forward compliance alternatives requests to the appropriate State agency for action; and
 - 3) suggest procedures and formats for appeals of State agency decisions. [Section 30 of the Act].

- g) The Commission shall also suggest a long-term plan to improve administration and enforcement of State building requirements statewide. The plan shall include:
 - 1) recommendations for ways the Department of Commerce and Community Affairs could create a consolidated clearinghouse on all information concerning existing State building requirements;
 - 2) recommendations for a consistent format for State building requirements;
 - 3) recommendations for a system or procedure for updating existing State building requirements that shall include a procedure for

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- input from the public.*
- 4) *recommendations for a system or procedure for the review, approval, and appeal of building plans, and*
 - 5) *recommendations for a system or procedure to enforce the State building requirements.*

The Commission shall submit its suggestions for creating the consolidated clearinghouse to the Department of Commerce and Community Affairs as soon as practical after the effective date of this Act.

(Section 35 of the Act).

- b) *The Commission shall submit an annual report to the Governor and the General Assembly regarding:*
 - 1) *the approval of compliance alternative requests.*
 - 2) *the responsibilities of the Commission,*
 - 3) *any progress toward coordination of the State's building requirements, and*
 - 4) *recommendations for legislative action by the General Assembly.*

The annual report shall be made available to the public. The Commission may charge a reasonable fee for reproduction of the report.

(Section 40 of the Act).

- i) *The Department of Public Health shall assist the Commission in carrying out its functions and responsibilities by providing administrative and staff support. The Commission shall advise the Department of its budgetary and staff needs. (Section 45 of the Act).*

- j) *The executive director establishes, as directed by the Commission, the duties and organization of the Commission staff. The Commission staff functions as a single unit under the direction of the Commission. A description of the specific responsibilities and duties of each of the personnel positions of the Commission staff is maintained in the Office of the Illinois Building Commission and is available for public inspection during normal business hours at the address in subsection (m).*

- k) *The Commission sets the agenda of its meetings and hearings by fiscal year, and the agenda is available for public inspection at the Commission's office during normal business hours. Commission hearings are open to the public. The Commission will publish its notices, proposals, and certifications of actions according to the Open Meetings Act. The Commission will accept and consider, if time permits, written comments by members of the public before Commission hearings. The Commission encourages members of the public to petition a State agency directly, in conjunction with submitting comments to the Commission, for consideration of perceived problems with existing State building requirements. The Commission may consider comments or petitions, however, consider comments or petitions that have not already been submitted to a State agency.*

- l) *Interested persons or groups may submit complaints of State building requirements to Commission members or the Executive Director to the address in subsection (n). Each complaint must include:*

- 1) *Names and addresses of the persons or groups presenting the*

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complaint.

- 2) *Specific problems or issues with State building requirements.*
- 3) *Specific reasons for Commission action.*
- 4) *Necessary facts and documentation to explain and support the complaint.*

- m) *Persons are invited to request information about the operation of the Commission or to provide comments about State building requirements to:*

Executive Director (or Commission Members)

Illinois Building Commission

222 South College

Springfield, Illinois 62704.

(Source: Added at 24 Ill. Reg. 86, effective December 15, 1999)

Section 1125.340 Office of Epidemiology and Health Systems Development Health Policy-and-Planning

- a) *The Office of Epidemiology and Health Systems Development Health Policy-and-Planning--coordinates--the--Illinois--Department--of--Public Health's--activities--to--describe--and--analyze--health--problems--and propose--actions--to--alleviate--those--problems--these--efforts--are directed--toward--promoting--health--and--making--adequate--affordable health--care--available--to--all--residents--of--the--state--this--office consists of the following two divisions: the Division of Epidemiology Studies, Division of Facilities Development, Center for and--the Division--of Health Statistics, and Division of Health Policy Development.*

- b) *The Office of Epidemiology and Health Systems Development coordinates the Illinois Department of Public Health's activities to assess the health needs, disease occurrence, and health status of Illinois residents. The Office develops and promotes the use of sound and systematic knowledge bases in health program management, evaluation, and policy development. The Office provides leadership within the Department in translating public health data into useful information. The Office leads Department policy development and strategic planning functions with other state agencies and organizations from the private and volunteer sectors to define and address health problems. The Office provides technical assistance to the Governor, General Assembly, other Department offices, local health departments, health care providers, and the general public. To improve health status, improve public health systems, and reduce costs, the Office conducts or coordinates data collection and interpretation, policy or financial analysis, community health planning, health care facilities planning, and certificate of need review. The Office also conducts epidemiologic studies to determine the patterns of illness and disease.*

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d) The Office produces the State's annual vital statistics report and publishes reports concerning special populations. As Illinois' agent for the Federal-State Cooperative for Populations Estimates, the Office produces population estimates that are used in defining health indicators and determining need for services and appropriate distribution of resources. To determine the pattern and characteristics of health behaviors, the Office conducts household surveys and provides technical assistance in interpreting data for planners and local health departments through the Behavioral Risk Factor Surveillance Survey.

e) The Office developed and maintains the Illinois Health and Hazardous Substance Registry for making decisions on health and public health related to cancer incidence, adverse pregnancy outcomes, occupational diseases, and hazardous substances.

f) The Office supports the Illinois Health Facilities Planning Board in administering the Illinois certificate of need program to reduce unnecessary health care services and costs, in enforcing the Health Care Workers Self-Referral Act to provide assistance, and in conducting planning activities related to health care facilities. For the certificate of need program, staff personnel review applications for construction of health care facilities, acquisition of major medical equipment, substantial changes in bed capacity, initiation of new services, and elimination of existing services. The Office then makes recommendations to the Health Facilities Planning Board for approval or denial of the certificate of need.

g) The Office leads Department policy development efforts working with both other offices within IDPH and with other state agencies to define health policy problems and analyze alternative actions to address these problems. The Office provides technical support to state social service agencies in the development within Illinois of state setting methodologies and in program cost analyses.

h) Health planning laws offer ways to achieve coordination and orderly development of necessary health resources while preventing unneeded and costly duplication. Among the required functions of the Office of Health Policy and Planning are the following:

- 1) conduct health planning activities for the state;
- 2) administer a State Certificate of Need Program;
- 3) prepare an inventory of health care facilities along with an evaluation of their physical condition;
- 4) conduct a Life-Care Review Program;
- 5) coordinate the development of the Department's Human Services Plans;

g) The following are mandated responsibilities contained in State statutes:

- 1) The Illinois Health Facilities Planning Act (20 ILCS 3960) (Rev. Stat. 1987, ch. 111-1/2, par. 111-1/2) provides that which created the Illinois Health Facilities Planning Board, describes its functions, including certificate of need/permit reviews and

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facilities and its relationship with state health planning. The Illinois Health Statistics Act (410 ILCS 520) (Rev. Stat. 1987, ch. 111-1/2, par. 5601-1/2) modeled on a widely accepted State-level approach that which provides for the collection of health data by the Department and provides for confidentiality of this such data.

3) The Illinois Life Care Facilities Planning Act (210 ILCS 40) (Rev. Stat. 1987, ch. 111-1/2, par. 4160-1/2) sets forth the requirements for life care contracts that which the Department must approve and monitor.

4) The Illinois Welfare and Rehabilitation Services Planning Act provides that Civil Administrative Code of Illinois agencies, including the Department of Public Health, develop a Human Services Plan to be presented to the General Assembly on April 1 of every odd numbered year (20 ILCS 10) (Rev. Stat. 1987, ch. 117, par. 91-1/2).

5) The Experimental Organ Transplantation Procedures Act (20 ILCS 3935) created the Illinois Experimental Organ Transplantation Board for the purpose of reviewing applications and making recommendations to the Department to provide financial assistance to qualified applicants seeking an experimental organ transplant. The Civil Administrative Code of Illinois (20 ILCS 2310/55-72) established the Task Force on Organ Transplantation within the Department to conduct a comprehensive examination of the medical, legal, economic, and social issues presented by human organ procurement and transplantation and to make recommendations to the Governor and General Assembly.

7) The Illinois Health and Hazardous Substances Registry Act (410 ILCS 525) establishes a unified statewide project to collect, compile and correlate information on public health and hazardous substances.

8) The Civil Administrative Code of Illinois (20 ILCS 2310/55.31b) allows for the general supervision of the interests of the health and lives of the people of the state to require hospitals, laboratories or other facilities in the State to report each incidence of cancer diagnosed by the hospitals, laboratories, or facilities, along with any other information the Department may require to develop a Health and Hazardous Substances Registry under the Illinois Health and Hazardous Substances Registry Act.

9) The Lead Poisoning Prevention Act (410 ILCS 45) requires immediate reporting of the existence of any person found or suspected to have a level of lead in the blood in excess of the permissible limits set forth in regulations adopted by the Department. The names, addresses, laboratory results, date of birth, and other information about the person is maintained in the Adult Blood Lead Registry.

10) Developmental Disability Prevention Act (410 ILCS 250) declares that the policy of the State for the prevention of perinatal

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mortality and conditions leading to developmental disabilities and other handicapping disabilities is a high priority for attention. The Adverse Pregnancy Outcome Reporting System maintains information regarding perinatal mortality and risk conditions.

- 11) The Vital Records Act (410 ILCS 535) charges the Department with the responsibility of collecting and preserving records of births and deaths of Illinois residents and to prepare and publish reports of vital statistics from these records.

- 12) The Alternative Health Care Delivery Act (210 ILCS 3) establishes procedures for investigating alternative methods of delivering health care services to the community.

- 13) The Health Care Worker Self-Referral Act (225 ILCS 47) gives the Illinois Health Facilities Planning Board the authority to determine if certain investments by one or more health care workers constitute a conflict of interest.

- 14) The Civil Administrative Code of Illinois (20 ILCS 2310/55.26) authorizes the Department to conduct statewide inventories for existing hospitals, health service facilities, and other facilities.

- 15) The Counties Code (55 ILCS 5/1-1001, 5-25001-25020) establishes the Illinois Project for Local Assessment of Need (IPLAN) compliance requirements for the local health departments.

(Source: Amended at 24 Ill. Reg. 86 --, effective December 15, 1999)

Section 1125.350 Office of Finance and Administration Program--and Administrative-Support

- a) The Office of Finance and Administration Program--and Administrative Support--(FAPS) encompasses all administrative support activities essential to the overall operation of the Department.
- b) The Office of Finance and Administration Program--and Administrative Support provides supportive and coordination services to all offices and regions within the Department including Budget, State/Local Liaison Unit, employee services and benefits and--training--center. Divisions within the Office FAPS include: Accounting Financial Records, Human Resources, Local-Health-Administration--Personnel--and Labor-Relations and Physical General Services.

- 1) The Division of Vital Records is the Official Register of Vital events in Illinois that which include all births, deaths, marriages, adoptions and divorces.
- 2) The State/Local Liaison Unit is the liaison between the Division of--Local--Health--Administration--coordinates--and--monitors activities--of local health departments and the Department throughout--the--State--of--Illinois.

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- c) The Office OPAS also provides administrative support to the Regional Health Officers, who administer the Department's eight regional offices. The Regional Health Officers are responsible for coordinating various agency program activities at the regional level including, presiding over involuntary discharge and certificate of need hearings, serving as emergency liaisons, ---this---includes monitoring-of-surveys-and-inspectional-activities---that---requests-for-enforcement-and/or-compliance-attorney and serving as liaisons with local health agencies and community health associations.

(Source: Amended at 24 Ill. Reg. 86 --, effective December 15, 1999)

Section 1125.355 Office of Women's Health

The Office of Women's Health consists of the Division of Women's Health Services and the Division of Technical Support. The Office has, without limitation, the following duties:

- a) *Assisting in the assessment of the health needs of women in the State.*
- b) *Recommending treatment methods and programs that are sensitive and relevant to the unique characteristics of women.*
- c) *Promoting awareness of women's health concerns and encouraging, promoting, and aiding in the establishment of women's services.*
- d) *Providing adequate and effective opportunities for women to express their views on Departmental policy development and program implementation.* (Section 55.69 of the Civil Administrative Code of Illinois, 20 ILCS 2310/55.69).

(Source: Added at 24 Ill. Reg. 86 --, effective December 15, 1999)

Section 1125.360 Office Locations

- a) The Department maintains 2 two Co-Central Offices in order to best serve the needs of the citizens of the State of Illinois. These offices are located at:

- 1) 525 and 535 West Jefferson Street, Springfield, Illinois 62761 and
- 2) 100 West Randolph Street, Sixth Floor, Suite 6007, Chicago, Illinois 60601.

- b) The Department's Divisions of Vital Records and Epidemiologic Studies are located at:

- 605 West Jefferson, Springfield, Illinois 62702.

- c) The Department operates laboratories at the following locations:
- 1) Chicago Laboratory, 212 West Taylor Street

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- Chicago, Illinois 60612
- 2) Springfield Laboratory
825 North Rutledge, P.O. Box 19435
Springfield, Illinois 62794
- 3) Carbondale Laboratory
Chautauqua and Oakland Streets Carbondale, Illinois 62901
- d) The Department maintains Regional Offices at the locations listed below. Each Regional Office is headed by a Regional Health Officer.
- 1) Region 1
Rockford Regional Office
4302 North Main Street
P.O. Box 2903
Rockford, Illinois 61105
- 2) Region 2
Peoria Regional Office
5415 North University Avenue
Peoria, Illinois 61614
- 3) Region 3
Edwardsville Regional Office
22 Kettle River Drive
Edwardsville, Illinois 62025
- 4) Region 4
Springfield Regional Office
4500 South 6th Street
Springfield, Illinois 62796
- 5) Region 5
Grafton Regional Office
2309 West Main Street
Marion, Illinois 62959
- 6) Region 6
Champaign Regional Office
2125 South First Street
Champaign, Illinois 61820
- 7) Region 7
West Chicago Regional Office
245 West Roosevelt Road, Building 814g-5
West Chicago, Illinois 60185
- 8) Region 8 (2 offices)
Chicago Regional Offices
- A) Bellwood Office
4212 West St. Charles Road 5813-Bldg-Avenue
Bellwood, Illinois 60104 60163
- B) Chicago Office
100 West Randolph, Room 6-600
Chicago, Illinois 60601 60605
- 9) A map indicating the jurisdictional area of each Regional Office may be found in Appendix C.

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(Source: Amended at 24 Ill. Reg. 13, effective December 15, 1999)

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Section 1125.APPENDIX A Petition Before the Illinois Department of Public Health Requesting the Promulgation, Amendment, or Repeal of a Rule**A. Petitioner:**

1. Name of Petitioner (if Petitioner is representing an individual on whose behalf the Petition is filed, state both names):

2. Name and mailing address of the party to which the Department will direct its response and other necessary communications:

B. Type of Request (circle one):

Promulgation Amendment Repeal

- C. Interest. State the particular interest of the Petitioner (or, if relevant, the individual on whose behalf the Petition is being filed) in the action requested:

D. Request:

1. If the request is for amendment or repeal of an existing rule(s), identify the particular rule(s) in question.

2. If the request is for promulgation of a new rule(s), identify the program area or subject matter of the proposed new rule(s).

3. If the Petition is for amendment of a rule or rules, describe in as much detail as possible the nature of the amendment(s) requested. If possible, include a suggested text of the rule(s) as (it) (they) would appear if amended in accordance with the Petition. If the Petition is for promulgation of a new rule or rules, describe in as much detail as possible the content of new rule or rules. If possible, include a suggested text of the

DEPARTMENT OF PUBLIC HEALTH

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proposed rule(s).

4. Discuss in as much detail as possible the reasons for and basis of the Petition. Include any pertinent references such as documents, source materials, actual cases or **events event.** Attach any relevant and supportive documentation.

5. Discuss, to the extent possible, the adverse or beneficial effect, if any, that you believe the amendment, repeal, or promulgation requested will or could have on the public health in Illinois (or in a broader area, if relevant).

Signed:

Name of Petitioner or Representative _____

Position _____

Dated day of , {year} 19----.

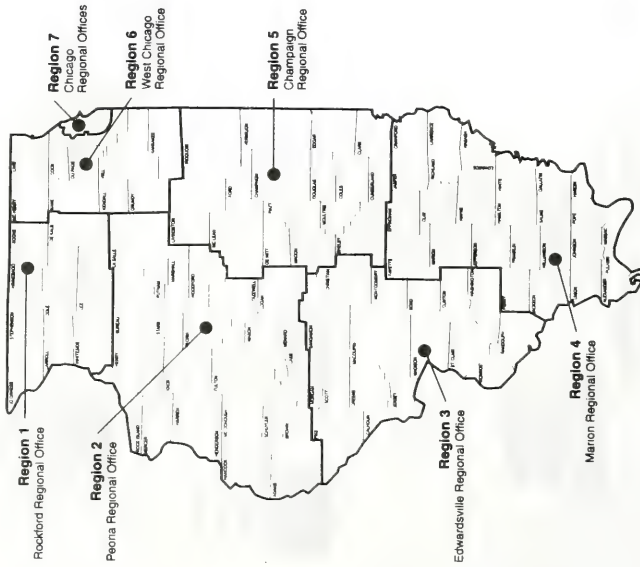
NOTE: If additional space is needed to answer any question, complete your answers on 8 1/2 x 11 inch paper and attach to this Petition **hereto**.

Send by U.S. Mail (or deliver personally) 2 two-(2) completed copies of the Petition, with one (1) copy of any accompanying documentation, to:

Office of the Director
Illinois Department of Public Health
535 West Jefferson Street

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(under scope of statute)

(Source: Amended at 24 Ill. Reg. 86, effective December 15, 1999)

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Public Information
- 2) Code Citation: 2 Ill. Adm. Code 2375
- 3) Section Numbers: Adopted Action:
2375.10 Amendment
- 4) Statutory Authority: 40 ILCS 5/14-135.03
- 5) Effective Date of Rules: January 15, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do the Rules contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: This amends an internal rule and no notice is required.
- 10) Has JCAR issued a Statement of Objections to the Amendments? No
- 11) Differences between proposal and final version: No Notice of Proposal is required.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreement required.
- 13) Will the Rules replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on the Part? No
- 15) Summary and Purpose of Rules: To update an address.
- 16) Information and questions regarding this adopted rule shall be directed to:

Michael L. Morý, Executive Secretary
 State Employees' Retirement System of Illinois
 P.O. Box 19255 - 2101 South Veterans Parkway
 Springfield, Illinois 62794-9255
 217-785-7444

The full text of the adopted amendments begins on the next page.

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE E: MISCELLANEOUS STATE AGENCIES
CHAPTER XXXVII: STATE EMPLOYEES' RETIREMENT SYSTEM

PART 2375

PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION

SUBPART A: PUBLIC INFORMATION

Section

2375.10 Availability for Public Inspection

SUBPART B: RULEMAKING

Section

2375.110 Procedure for Submission, Consideration and Disposition of Petitions Seeking the Promulgation, Amendment or Repeal of the Rules of the State Employees Retirement System

SUBPART C: ORGANIZATION

Section

2375.210 Organization of the State Employees' Retirement System

AUTHORITY: Implementing Section 5-15 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1005-15) and authorized by Sections 14-135.03 and 14-134 of the Illinois Pension Code (Ill. Rev. Stat. 1983, ch. 108 1/2, par. 14-135.03 and Ill. Rev. Stat. 1985 Supp. ch. 108 1/2, par. 14-134 as amended by P.A. 84-1028, effective November 18, 1985).

SOURCE: Filed December 20, 1977, effective December 31, 1977; amended at 4 Ill. Reg. 12, p. 534, effective March 11, 1980; codified at 6 Ill. Reg. 10935; amended at 8 Ill. Reg. 4144, effective March 26, 1984; recodified from 80 Ill. Adm. Code 1540.280, 1540.290 and 1540.300 at 8 Ill. Reg. 15902; amended at 9 Ill. Reg. 12714, effective August 2, 1985; amended at 10 Ill. Reg. 1916, effective January 10, 1986; amended at 15 Ill. Reg. 1571, effective January 22, 1991; amended at 24 Ill. Reg. 128, effective January 15, 2000.

SUBPART A: PUBLIC INFORMATION

Section 2375.10 Availability for Public Inspection

The rules of the Retirement System or any revisions, modifications, amendments or repeal thereof are available for public inspection at all times on any day the State Employees' Retirement System of Illinois is open for business at the Springfield Office, P.O. Box 19255 2101 South Veterans Parkway 4664---2815---West Washington-Street, Springfield, IL 62794-9255 62706.

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 24 Ill. Reg. 128, effective January 15, 2000)

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY RULES

- 1) Heading of the Part: Requirements for Businesses with Private Business Switch Service to Comply with the Emergency Telephone System Act
- 2) Code Citation: 83 Ill. Adm. Code 726
- 3) Section Numbers:
- | | |
|---------|-------------------|
| 726.100 | Emergency Action: |
| 726.105 | New Section |
| 726.200 | New Section |
| 726.300 | New Section |
| 726.305 | New Section |
| 726.400 | New Section |
| 726.500 | New Section |
| 726.505 | New Section |
| 726.510 | New Section |

- 4) Statutory Authority: Implementing and authorized by Section 15.6 of the Emergency Telephone System Act [50 ILCS 750/15.6].

- 5) Effective Date of Rules: December 23, 1999

- 6) If these emergency rules are to expire before the end of the 150-day period, please specify the date on which they are to expire: Not applicable.

- 7) Date Filed with the Index Department: December 16, 1999

- 8) A copy of the emergency rule, including any material incorporated by reference, is on file in the Commission's principal office and is available for public inspection.

- 9) Reason for Emergency: On August 13, 1999, Governor Ryan signed into law P.A. 91-0518, amending Section 15.6 of the Emergency Telephone System Act [50 ILCS 750/15.6]. The revision to Section 15.6 of the Act requires the Illinois Commerce Commission ("Commission") to promulgate rules by January 1, 2000 for the administration of the Section. It is necessary to use emergency rulemaking to comply with the statutory mandate.

- 10) A Complete Description of the Subjects and Issues Involved: The establishment of Part 726 is required by a legislative mandate in Public Act 91-0518. The emergency rules provide clarification to the statute as well as set specific guidelines for private business switch operators/owners who want to establish their own Private Emergency Answering Point in Illinois. The rules have taken into consideration the technical aspects as well as aspects of public safety in order to produce a suitable set of guidelines for engineering and operations.

- 11) Are there any proposed rules to this Part pending? Yes

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY RULES

- 12) Statement of Statewide Policy Objectives: These emergency rules neither create nor expand any state mandate on units of local government, school districts, or community college districts.

- 13) Information and questions regarding these rules shall be directed to:

Conrad S. Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield IL 62794-9280
Phone: (217) 785-3922
Fax: (217) 524-8928

The full text of the Emergency Rules appears on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY RULES

TITLE 87: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIES

PART 726
REQUIREMENTS FOR BUSINESSES WITH PRIVATE BUSINESS SWITCH SERVICE
TO COMPLY WITH THE EMERGENCY TELEPHONE SYSTEM ACT

SUBPART A: GENERAL PROVISIONS

Section

726.100 Application of Part

EMERGENCY

726.105 Definitions

EMERGENCY

Section

SUBPART B: STANDARDS OF SERVICE

726.200

General Standards and Requirements

EMERGENCY

Section

SUBPART C: AUTHORIZATION TO OPERATE

726.300

Order of Authority/Application Process

EMERGENCY

726.305 Tentative/Final Plans

EMERGENCY

SUBPART D: ENGINEERING

Section

726.400 Private Emergency Answering Point

EMERGENCY

SUBPART E: OPERATIONS

Section

726.500 System Review and Reporting

EMERGENCY

726.505 Written Operating Procedures

EMERGENCY

726.510 Call Handling Procedures

EMERGENCY

AUTHORITY: Implementing and authorized by Section 15.6 of the Emergency Telephone System Act [50 ILCS 750/15.6].

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY RULES

SOURCE: Emergency rules adopted at 24 Ill. Reg. 13 1 effective December 23, 1999, for a maximum of 150 days.

SUBPART A: GENERAL PROVISIONS

Section 726.100 Application of Part
EMERGENCY

This Part shall apply to all private business switch operators in the State of Illinois except to the extent of any exemptions conferred by Section 15.6(a) and (b) of the Emergency Telephone System Act [50 ILCS 750/15.6(a) and (b)]. Also see Section 726.200(c) and (d) of this Part.

Section 726.105 Definitions
EMERGENCY

"Automatic Location Identification" or "ALI" - A feature or function that transmits the 9-1-1 caller's address and, where required, the Distinct Location Identification to the public safety answering point (PSAP) in an Enhanced 9-1-1 system.

"Automatic Number Identification" or "ANI" - Automatic display of the 9-1-1 calling party's number on the PSAP monitor.

"Call referral" - A 9-1-1 service in which the Private Emergency Answering Point (PEAP) operator provides the calling party with the telephone number of the appropriate public safety agency or other providers of emergency services.

"Call relay" - A 9-1-1 service whereby the PEAP operator takes the pertinent information from the caller and relays that information to the appropriate public safety agency or other emergency responders.

"Call transfer" - A 9-1-1 service in which the PSAP telecommunicator receiving a call will transfer the incoming call to the appropriate public safety agency or other emergency responders.

"Centrex-type service" - A telecommunications system that is central office based and has feature characteristics similar to a private branch exchange (PBX). The switching of calls both intercom and local/long distance, is performed at the local exchange carriers facilities.

"Commission" - The Illinois Commerce Commission.

"Direct dispatch" - A 9-1-1 service that provides for the direct dispatch by a PEAP operator of the appropriate public safety agency or

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY RULES

other emergency responders upon receipt of a telephone request for such services and the decision as to the proper action to be taken.

"Direct inward dialing" or "DIP" - The ability for an outside caller to be connected to an internal telephone extension without intervention by an operator or attendant.

"Distinct Location Identification" or "DLI" - An additional location identification that provides specific identification of a building, complex or campus. A DLI could include a floor number, wing name/number and building name/number for every 40,000 square feet of workspace.

"Emergency call" - A telephone request for emergency services which requires immediate action to prevent loss of life, reduce bodily injury, prevent or reduce loss of property.

"Emergency responders" - Other providers of emergency services in addition to public safety agencies and private companies. These responders typically provide security protection, fire protection and medical assistance within a particular business that handles its internal 9-1-1 calls.

"Enhanced 9-1-1" or "E9-1-1" - An emergency telephone system with specific electronically controlled features such as ALI, ANI, or selective routing, and that uses a Master Street Address Guide (MSAG) geographic file.

"Location identification" - The street address of the workspace.

"Master Street Address Guide" or "MSAG" - The computerized geographical file consisting of all streets and address data within the 9-1-1 system area. This database is the key to the selective routing capability of 9-1-1 systems. The data base matches an originating caller to a specific answering point based on the address data. The MSAG may require updating after the initial file is established.

"Private business switch service" - A telecommunications service such as Centrex type service or telecommunications equipment such as a private branch exchange service (PBX) system. The term "private business switch service" does not include key telephone systems or equivalent telephone systems registered with the Federal Communications Commission under 47 CFR 68 when not used in conjunction with Centrex type and PBX systems. In instances where Centrex type service is used in conjunction with key telephone systems not emulating PBX functionality, the responsibility for passing ANI and ALI rests with the carrier providing the Centrex. Private business

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NOTICE OF EMERGENCY RULES

switch services are typically used by, but are not limited to, private businesses, corporations, not for profit organizations, schools, governmental units and industries where the telecommunications service is primarily for conducting business.

"Private Emergency Answering Point" or "PEAP" - A place within a business where the business operators answer and dispatch 9-1-1 calls from within its facility. A business must obtain certification to handle internal 9-1-1 calls from its internal switch.

"Public agency" - The State and any unit of local government or special purpose district located in whole or in part within this State that provides or has authority to provide fire fighting, police, ambulance, medical, or other emergency services.

"Public area" - An area within a building where the general public and/or the business entity customers have access on a regular basis. Such areas would include, but not be limited to, reception areas, corridors, lobbies and waiting rooms.

"Public safety agency" - A functional division of a public agency that provides fire fighting, police, medical, or other emergency services.

"Public safety answering point" or "PSAP" - The PSAP is the initial answering location of a 9-1-1 call within a municipality or county. The PSAP is also known as a "Center."

"Text telephone" or "Tt" - A teletypewriter, a device that employs graphic or Braille communication in the transmission of coded signals through a wire or radio communication system.

"Workspace" - The physical building area where work is normally performed. This is a net square footage measurement which includes hallways, conference rooms, restrooms, break rooms, storage rooms but does not include wall thickness, shafts, heating/ventilating/air conditioning equipment spaces, mechanical/electrical spaces or other similar areas where employees do not normally have access.

SUBPART B: STANDARDS OF SERVICE

Section 726.200 General Standards and Requirements
EMERGENCY

- a) The digits "9-1-1" shall be the primary emergency telephone number within a county or municipality that has received Commission approval of a 9-1-1 system. In areas where Enhanced 9-1-1 is available, a private business switch operator must ensure that its system is capable of meeting the requirements set forth in subsections (b)

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through (d) of this Section. Nothing in this Section shall require changes in customary dialing patterns (i.e. using the prefix or access code 9 to obtain and outside line before dialing 9-1-1).

b) After June 30, 2000, or within 18 months after Enhanced 9-1-1 is made available, any entity that installs or operates a private business switch service and provides telecommunications facilities or services to businesses shall assure that such a system is connected to the public switched network in a manner so that calls to 9-1-1 result in automatic number identification ("ANI") and automatic location identification ("ALI").

1) ANI shall be provided based on the following criteria which are minimum standards:

- A) For buildings having their own street address and containing work space of 40,000 square feet or less, one ANI shall be transmitted to the 9-1-1 system;
- B) For buildings having their own street address and containing work space of more than 40,000 square feet, one ANI per 40,000 square feet of workspace shall be transmitted to the 9-1-1 system;
- C) For private business switch operators/providers providing service in multi-floor buildings and sharing space with other non-related businesses or public entities, a distinct 9-1-1 system per 40,000 square feet of work space; and
- D) For private business switch operators/providers providing service in multi-building locations and sharing space with other non-related businesses or public entities, a distinct ANI for each entity shall be transmitted to the appropriate 9-1-1 system.

2) The ALI information shall follow the database format defined by the National Emergency Number Association Recommended Formats for Data Exchange Version 1 or 2.1, "NENA Recommended Formats & Protocols For Data Exchange" (May, 1999, published by the National Emergency Number Association, 4789 Papermill Road, Coshocton, OH, 43812.) This incorporation does not include any later amendments or editions. ALI requirements are based on the following criteria when a 9-1-1 call is placed:

- A) For buildings having their own street address and containing work space of 40,000 square feet or less, one ALI shall be transmitted to the 9-1-1 system and will include the building's street address.
- B) For buildings having their own street address and containing work space of more than 40,000 square feet, location identification shall include the building's street address (ALI) and one DLI per 40,000 square feet of workspace to the 9-1-1 system. The DLI shall, as accurately as possible, specify the location from which the 9-1-1 call is being placed. For example, if the area contains multiple floors,

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the DLI shall specify all floor numbers included in the 40,000 square feet of workspace. The DLI must be able to identify the entire 40,000 square feet of work space.

C) For private business switch operators/providers providing service in multi-floor buildings and sharing space with other non-related users, a DLI for each user shall be transmitted to the appropriate 9-1-1 system.

D) For private business switch operators/providers providing service in multi-building locations and sharing space with other non-related users, a DLI for each user shall be transmitted to the appropriate 9-1-1 system.

E) Separate buildings containing workspace of 40,000 square feet or less having a common public street address shall have a DLI for each building in addition to the street address.

3) In cases where clarification is needed, the business switch owner/operator shall work with 9-1-1 system management and the data base provider to implement a useable DLI.

c) Exemptions to subsection (b) of this Section.

1) Buildings containing workspace of more than 40,000 square feet are exempt from the multiple location identification requirements if the building maintains, at all times, alternative and adequate means of signaling and responding to emergencies. Those means shall include, but not be limited to, a telephone system that provides the physical location of 9-1-1 calls coming from within the building.

A) Entities that qualify for this exemption must have staff available to meet the public safety agency responding to the 9-1-1 call at the designated address. This staff must be able to direct the public safety agency to the site of the emergency.

B) Entities that qualify for this exemption must not intercept the 9-1-1 call. All 9-1-1 calls under this exemption will be directly selectively routed to the appropriate 9-1-1 system.

C) Buildings under this exemption must, however, ensure that the appropriate building street address where the call originated is being provided to the 9-1-1 system.

2) Health care facilities are presumed to meet the requirements of subsection(c)(1) if the facilities are staffed with medical or nursing personnel 24 hours per day and if an alternative means of providing information about the source of an emergency call exists.

3) Buildings that are over 40,000 square feet that maintain, at all times, alternative and adequate means of signaling and responding to emergencies, including a telephone system that provides the location of a 9-1-1 call coming from within the building, and that are serviced by their own medical, fire and security

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personnel, may qualify for an exemption pending Commission approval of the business' emergency phone system. Certification by the Commission is necessary prior to a business answering and dispatching its own internal 9-1-1 calls. Entities that qualify for this exemption must comply with Subparts C, D, and E of this Part.

- 4) Buildings in communities that are not serviced by Enhanced 9-1-1 service are exempt.

SUBPART C: AUTHORIZATION TO OPERATE

Section 726.300 Order of Authority/Application Process
EMERGENCY

- a) Any entity that qualifies for exemption under Section 726.200(c)(3) to operate a 9-1-1 answering point within its own facility must comply with Subparts C, D and E of this Part. In addition, the entity shall file a petition for an order of authority to operate a Private Emergency Answering Point (PEAP), as described in its final plan pursuant to Section 726.305. The final plan shall be attached to the Petition and filed with the Commission in accordance with the Commission's Rules of Practice, 83 Ill. Adm. Code 200.
- b) The original and three copies of a cover letter to the Chief Clerk, the petition, the verified statement, and the final plan must be filed with the Chief Clerk. In addition, a copy of all items must be submitted simultaneously to the 9-1-1 Program Director of the Commission.
- c) The petitioner must also notify the appropriate 9-1-1 system of its plans to answer its internal 9-1-1 calls. In addition, a copy of the petitioner's application must be provided to 9-1-1 system management.
- d) The Commission shall have the authority to audit 9-1-1 systems to verify compliance with the Act and this Part.
- e) Modification to an approved application or system should be submitted to the Commission in writing no later than 10 days after the change.

Section 726.305 Tentative/Final Plans

EMERGENCY

- a) Each entity shall submit a tentative plan (draft) with Commission Staff for review, prior to filing its final plan with the Chief Clerk. Staff has 90 days to review and provide written comments back to the applicant.
- b) Tentative and final plans should consist of a narrative which provides an explanation of the proposed system's operation and a completed Application to Illinois Commerce Commission for the provision of 9-1-1 service, consisting of the following exhibits:
 - 1) Exhibit 1: A thorough explanation regarding the make-up of its security, fire and medical departments. Explain what the

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emergency responders' responsibilities are and how they are better able to respond to an incident internally than an outside agency. In addition, this exhibit shall indicate how each emergency responder will be dispatched within its facility.

- 2) Exhibit 2: Call handling agreements with the internal emergency responders.
- 3) Exhibit 3: Call handling agreements with the existing Enhanced 9-1-1 system for additional back-up police, fire and medical assistance pursuant to Section 726.510(c).
- 4) Exhibit 4: Back-up PEAP agreement pursuant to Section 726.400(d).
- 5) Exhibit 5: Standard Operating Procedures and Disaster Procedures specified in Section 726.505.
- 6) Exhibit 6: Network Diagram - a chart showing the trunking configuration from the applicant's switch to the back-up PEAP pursuant to Section 726.400.

SUBPART D: ENGINEERING

Section 726.400 Private Emergency Answering Point
EMERGENCY

An entity that has been certified by the Commission to operate a PEAP and to handle its internal 9-1-1 calls must meet the following minimum standards:

- a) Each 9-1-1 answering position shall have access to all incoming lines and outgoing circuits.
- b) The PEAP shall be operational 24 hours a day, 7 days a week.
- c) Each PEAP shall have an operational T1 if the business employs hearing or speech impaired individuals or if there is a public area in the building where the public would have access to a telephone to dial 9-1-1.
- d) Each PEAP shall have at least one overflow position and a backup answering point internally or by entering into an agreement with the existing 9-1-1 system for that municipality or county. If the PEAP utilizes the existing 9-1-1 system for backup, the existing trunking configuration may be used between the private business switch and selective router.
- e) Each entity shall provide proper training on equipment and procedures to individuals who will be answering the internal 9-1-1 calls. Each entity shall determine training criteria; however, at a minimum, the curriculum must meet the requirements of the Emergency Medical Services Systems Act of 1997 [210 ILCS 50].
- f) Each entity shall provide for the installation of a master logging recorder of adequate capacity to record both sides of a conversation of each incoming 9-1-1 call. Such recordings shall have the time of each event noted.
- g) Each entity shall ensure that each PEAP maintains an archive of the logging recorder tapes for a minimum of thirty days without recirculation of any tape.

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- h) The PEAP shall be equipped with an emergency back-up power source capable of supplying electrical power to serve the basic power requirements of the PEAP for a minimum of 4 hours.
- i) Critical areas of the PEAP shall have adequate physical security to prevent malicious disruption of service. PEAP personnel shall be isolated from direct public contact. Such critical areas shall, at a minimum, include all communications equipment, communications personnel, and mechanical equipment rooms that are vital to the operation of the PEAP.
- j) Access to the communications mechanical equipment rooms shall be restricted within the building by means of secured doors.
- k) No 9-1-1 calls shall be placed on hold.
- l) 90% of all 9-1-1 calls must be answered within 10 seconds.
- m) 9-1-1 calls shall be identified in such a manner that indicates that the call is an emergency so the operator can give priority to the call. Where possible, the telephone switching systems shall provide top priority to all 9-1-1 calls if a blocking condition occurs in the phone system.

SUBPART E: OPERATIONS

Section 726.500 System Review and Reporting
EMERGENCY

Each entity certified by the Commission to handle its internal 9-1-1 calls shall provide an annual update to the 9-1-1 Emergency Telephone Section by January 1 of each year. The entity shall provide the following information:

- a) The entity's name and street address;
- b) The name and telephone number of a contact person;
- c) The number of internal 9-1-1 calls received for the year. Businesses may mark this information proprietary in nature; and
- d) The recertification of all agreements.

Section 726.505 Written Operating Procedures
EMERGENCY

Each certified entity shall develop and utilize written "Standard Operating Procedures" and "Disaster Procedures" for its 9-1-1 operations and for the use by its personnel who will be handling the 9-1-1 calls. Copies of these procedures must also be included in the application when petitioning the Commission for approval.

Section 726.510 Call Handling Procedures
EMERGENCY

- a) Each entity shall enter into call handling agreements with its internal emergency responders for police, fire and medical assistance. Thus, the agreements must specify the method of dispatch that will be

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- used in contacting these responders.
- b) Each entity shall enter into call handling agreements with the 9-1-1 system for fire, police and medical assistance in case additional assistance is needed beyond what the facility itself can provide. Thus, there must also be a method available for the business to request additional assistance from the existing 9-1-1 system to provide back-up services in the event that an incident occurs which would require additional emergency resources.
- c) Each entity shall specify in the application to the Commission how calls will be dispatched to emergency responders within its facility. In addition, the business shall provide details concerning how additional public safety agencies or other providers of emergency services outside of the business will be dispatched in the event that additional assistance is needed. In addition, copies of these agreements must be included with the application to the Commission.
- d) Each entity may choose from the following methods of dispatch:
 - 1) Direct Dispatch;
 - 2) Call Relay;
 - 3) Call Referral; or
 - 4) Call Transfer.
- e) Each entity shall insure that the disposition of each 9-1-1 emergency call is handled according to the agreements it has entered into with its emergency responding agencies within its facility.
- f) Each entity shall insure that the disposition of each 9-1-1 emergency call is handled according to the agreements it has entered into with the 9-1-1 system or other public safety agencies.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC INFORMATION

NOTICE OF REVOCATION UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(g) of the Residential Mortgage License Act of 1987 ("the Act"), 205 ILCS 635/4-5 (g) (1998), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has revoked the license of Amaris Mortgage Company, Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective December 15, 1999.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

NOTICE OF PROPOSED SETTLEMENT
PEOPLE OF THE STATE OF ILLINOIS V. ROCKWELL INTERNATIONAL
CORPORATION AND NUAD CORPORATION

You are hereby notified that the Illinois Attorney General, James E. Ryan, on behalf of the Illinois Environmental Protection Agency ("Illinois EPA"), has reached a proposed settlement agreement with Rockwell International Corporation and Nuad Corporation regarding the Old Knox County Landfill near Galesburg, Knox County, Illinois. The proposed settlement will result in an order directing Rockwell International Corporation and Nuad Corporation to reimburse the State of Illinois for past response, remedial, investigative, and oversight activities undertaken by the State of Illinois as a result of the release and/or threatened release of hazardous substances at the Old Knox County Landfill site.

PUBLIC COMMENT

Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, 42 USC 9601, et seq., you have thirty (30) days from the date of this notice to file written comments relating to the proposed settlement. If such comments disclose facts or considerations which indicate the proposed settlement is inappropriate, improper, or inadequate, consent to the proposed settlement may be withdrawn or withheld.

You may obtain a copy of the proposed settlement for review (at no charge) by calling or writing to James L. Morgan, Senior Assistant Attorney General, Office of the Attorney General, 500 South Second Street, Springfield, Illinois 62706, or 217-782-9031. You may file written comments relating to the proposed settlement by sending them to the same address.

Comments received or postmarked within thirty (30) days of this notice shall be considered.

THOMAS SKINNER

Director

Illinois Environmental Protection Agency

1021 North Grand Avenue East

P.O. Box 19276

Springfield, Illinois 62794-9276

DEPARTMENT OF AGING

JANUARY 2000 REGULATORY AGENDA

a) Heading of the Part: Introduction

Code Citation: 89 Ill. Adm. Code 210

1) Rulemaking:

A) A description of the rules: The rule lists the requirements which the Illinois Department on Aging, Area Agencies on Aging and service providers, subcontracted to and/or contracted with, must meet for the purpose of executing the intent of the Illinois Act on the Aging. The rulemaking will update said citations. Rulemaking amends Sections 210.40.

B) Statutory Authority: 20 ILCS 105/4.01 (11) and 5.02

C) Scheduled meeting/hearing date: The Department does not anticipate conducting public hearings on the revised rulemaking.

D) Date agency anticipates First Notice: The Department anticipates First Notice during the period of time after January 1, 2000, but prior to June 30, 2000.

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Ms. Pamela W. Balmer, Assistant
Office of General Counsel
Illinois Department on Aging
421 East Capitol Avenue, #100
Springfield, Illinois 62701-1789
(217) 785-3346

G) Related rulemakings and other pertinent information: None

b) Heading of the Part: Older Americans Act Programs Code Citation: 89 Ill. Adm. Code 230

1) Rulemaking:

A) A description of the rules: Rulemakings: publish revised rules with respect to State Agency, Area Agencies on Aging, Service Requirements and Hearings. Rulemakings amend Sections 230.30; 230.41; 230.43; 230.44; 230.46; 230.120; 230.130; 230.150; 230.210; 230.230; 230.240; 230.250; 230.310; 230.330; 230.350; 230.370; 230.410; 230.420; 230.610; 230.630; and 230.650.

DEPARTMENT OF AGING

JANUARY 2000 REGULATORY AGENDA

B) Statutory Authority: 20 ILCS 105/4.01 (11) and 5.02

C) Scheduled meeting/hearing date: The Department does not anticipate conducting public hearings on the revised rulemakings.

D) Date agency anticipates First Notice: The Department anticipates First Notice during the period of time after January 1, 2000, but prior to June 30, 2000.

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Ms. Pamela W. Balmer, Assistant
Office of General Counsel
Illinois Department on Aging
421 East Capitol Avenue, #100
Springfield, Illinois 62701-1789
(217) 785-3346

G) Related rulemakings and other pertinent information: The related rulemaking would occur only through cross-reference throughout the rulemaking.

c) Heading of the Part: Community Care Program Code Citation: 89 Ill. Adm. Code 240

1) Rulemaking:

A) A description of the rule(s): Rulemakings: Amend contract action rule(s) regarding receipt of certified mail.

B) Statutory Authority: 20 ILCS 105/4.01

C) Scheduled meeting/hearing date: The Department does not anticipate conducting a public hearing.

D) Date agency anticipates First Notice: The Department anticipates First Notice during the period of time after January 1, 2000, but prior to June 30, 2000.

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

DEPARTMENT OF AGING

JANUARY 2000 REGULATORY AGENDA

Ms. Pamela W. Balmer, Assistant
Office of General Counsel
Illinois Department on Aging
421 East Capitol Avenue, #100
Springfield, Illinois 62701-1789
(217) 785-3346

- c) Related rulemakings and other pertinent information: Any rules which are referenced in any of the proposed rulefilings.

d) Heading of the Part: Elder Rights Program Code Citation 89 Ill. Adm. Code 270

1) Rulemaking:

- A) A description of the rules: This rulemaking describes the requirements of the Elder Abuse and Neglect Program. The rulemaking includes a description of the purpose and organization of the program, the responsibilities of the Department, the Regional Administrative Agencies and the Elder Abuse and Neglect Provider Agencies, the process of intake, classifying, substantiating and following up on a report, confidentiality and immunity and establishing and maintaining a case record.

B) Statutory Authority: 320 ILCS 20/1 et seq.

- C) Scheduled meeting/hearing date: The Department does not anticipate conducting public hearings on this rulemaking,

D) Date agency anticipates First Notice: The Department anticipates First Notice after February, 2000.

- E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect only those not for profit corporations or units of local, county or municipal government which are designated elder abuse and neglect provider agencies or regional administrative agencies.

F) Agency contact person for information:

Ms. Pamela W. Balmer, Assistant
Office of General Counsel
Illinois Department on Aging
421 East Capitol Avenue, #100
Springfield, Illinois 62701-1789
(217) 785-3346

- G) Related rulemakings and other pertinent information: None

DEPARTMENT OF AGING

JANUARY 2000 REGULATORY AGENDA

e) Heading of the Part: Long Term Care Ombudsman Program Code Citation 89 Ill. Adm. Code 270

1) Rulemaking:

- A) A description of the rules: This rulemaking will implement Public Act 90-639, which requires long term care facilities to display the address and phone number of the Long Term Care Ombudsman Program, in a manner prescribed by the Program, in multiple, conspicuous, public places within each facility. It will also implement Public Act 91-174, which, for the purposes of the Long Term Care Ombudsman Program, expands the definition of long term care facility to include long term care beds in hospitals.

B) Statutory Authority: 20 ILCS 105/4.04

- C) Scheduled meeting/hearing date: The Department does not anticipate conducting public hearings on this rulemaking.

D) Date agency anticipates First Notice: The Department anticipates First Notice after February, 2000.

- E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect long term care facilities licensed under the Nursing Home Care Act, and hospitals which have skilled nursing and nursing facilities which meet the requirements of Section 1819 (a), (b), (c), and (d) or Section 1919 (a), (b), (c), and (d) of the Social Security Act, as now or hereafter amended (42 USC 1395i-3 (a), (b), (c) and (d) and 42 USC 1396r (a), (b), (c), and (d)). Each will be required to display posters provided by the Long Term Care Ombudsman Program, and hospital based facilities will be required to permit access to representatives of the Long Term Care Ombudsman Program to their facilities, residents and records.

F) Agency contact person for information:

Ms. Pamela W. Balmer, Assistant
Office of General Counsel
Illinois Department on Aging
421 East Capitol Avenue, #100
Springfield, Illinois 62701-1789
(217) 785-3346

- G) Related rulemakings and other pertinent information: None

COMPTROLLER MERIT COMMISSION

JANUARY 2000 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Merit Commission Rules (80 Ill. Adm. Code 100)

1) Rulemaking:

A) Description of Commission's Powers and Duties: The rules provide the Merit Commission with the power to review and investigate personnel policies and administrative practices to ensure that they are in compliance with the Merit Employment Code. Upon written recommendations by the Director of Personnel, the rules provide the Commission authority to exempt positions from Jurisdiction B of the Merit Employment Code. The Merit Commission rules also provide protection from unjust discharge, suspension, demotion or geographic transfers of employees of the Office of the Comptroller, and outlines procedures to hear allocation appeals and approve or disapprove written charges of employees of the Office of the Comptroller.

B) Statutory Authority: Implementing and authorized by the Comptroller Merit Employment Code [15 ILCS 410].

C) Schedule of regular meetings: February 17, 2000; March 16, 2000; April 20, 2000 May 18, 2000; June 15, 2000.

D) Date agency anticipates First Notice: The Merit Commission does not anticipate any rule changes at this time. However, any future changes will be discussed at the meetings listed above.

E) Effect on small business, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Marylou Lower Kent, Chair
Comptroller Merit Commission
325 West Adams Street
Springfield, IL 62704-1858
(217)785-1127

G) Related rulemakings and other pertinent information: None

ILLINOIS DEPARTMENT OF HUMAN RIGHTS

JANUARY 2000 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Housing Discrimination Code 71 Ill. Adm. Code 2520

1) Rulemaking:

A) Description: These amendments will clarify the exemption provided in Section 3-106(I) of the Act. [775 ILCS 5/3-106(I)].

B) Statutory Authority: Implementing Section 3-106 and authorized by Section 7-101(A) of the Illinois Human Rights Act [775 ILCS 3-106 and 7-101 (A)].

C) Scheduled meetings/hearing date: None scheduled at this time

D) Date agency anticipates First Notice: May 1, 2000

E) Affect on small businesses, small municipalities or not for profit corporations: All businesses involved in real estate transactions are subject to the Illinois Human Rights Act and its regulations.

F) Information concerning the regulatory agenda shall be directed to:

David T. Rothal
Illinois Department of Human Rights
100 West Randolph Street
Suite 10-100
Chicago, IL 60601
312-814-6242
T.D.D. : 312-263-1579

G) Related rulemaking and other pertinent information: None

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2000 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Rulemaking and Organization - 2 Ill. Adm. Code 825

1) Rulemaking:

- A) Description: This Part contains information on rulemaking and the Department's organizational structure.

- B) Statutory Authority: Implementing and authorized by Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

- C) Scheduled meeting/hearing dates: None

- D) Date agency anticipates First Notice: January 2000

- E) Affect on small businesses, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Name: Jack Price
Address: 524 S. Second Street
Springfield, IL 62701
Telephone: 217/782-1809

- G) Related rulemakings and other pertinent information: None

- b) Part(s) (Heading and Code Citation): Public Use of State Parks and Other Properties of the Department of Natural Resources - 17 Ill. Adm. Code 110

1) Rulemaking:

- A) Description: This Part establishes regulations for the public's use of State Parks.

- B) Statutory Authority: Implementing and authorized by Section 8 of the State Forest Act [525 ILCS 40/8] and by Sections 1, 2, 4 and 6 of the State Parks Act [20 ILCS 835/1, 2, 4 and 6] and by Section 5 of the State Parks Designation Act [20 ILCS 840/5] and by Sections 63a, 63a1, 63a1.5, 63a1.6, 63a21.1 and 63a28 of the Civil Administrative Code of Illinois [20 ILCS 805/63a, 63a1, 63a1.5, 63a1.6, 63a21.1 and 63a28].

- C) Scheduled meeting/hearing dates: None

- D) Date agency anticipates First Notice: February 2000

- E) Affect on small businesses, small municipalities or not for

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2000 REGULATORY AGENDA

- Profit corporations: None

- F) Agency contact person for information:

Name: Jack Price
Address: 524 S. Second Street
Springfield, IL 62701
Telephone: 217/782-1809

- G) Related rulemakings and other pertinent information: None

- c) Part(s) (Heading and Code Citation): General Hunting and Trapping on Department-Owned or -Managed Sites - 17 Ill. Adm. Code 510

1) Rulemaking:

- A) Description: This Part contains the Department's regulations for hunting and trapping on Department-Owned or -managed sites.

- B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5] and by Section 63a28 of the Civil Administrative Code of Illinois [20 ILCS 805/63a28].

- C) Scheduled meeting/hearing dates: None

- D) Date agency anticipates First Notice: March 2000

- E) Affect on small businesses, small municipalities or not for Profit corporations: None

- F) Agency contact person for information:

Name: Jack Price
Address: 524 S. Second Street
Springfield, IL 62701
Telephone: 217/782-1809

- G) Related rulemakings and other pertinent information: None

- d) Part(s) (Heading and Code Citation): Scientific Permits - 17 Ill. Adm. Code 520

1) Rulemaking:

- A) Description: This Part was established to govern the taking and/or possession of Illinois Fauna for scientific purposes and

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2000 REGULATORY AGENDA

the issuance of said permits for such activities.

- B) Statutory Authority: Implementing and authorized by Sections 1-120, 1-135 and 20-100 of the Fish and Aquatic Life Code [515 ILCS 5/1-120, 1-135, 20-100] and Sections 1-2, 1-3, 2-1, 2-4, 3-22, and 3-36 of the Wildlife Code [520 ILCS 5/1-2, 1-3, 2-1, 2-4, 3-22 and 3-36].

- C) Scheduled meeting/hearing dates: To be arranged

- D) Date agency anticipates First Notice: March 2000

- E) Affect on small businesses, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Name: Jack Price
Address: 524 S. Second Street
Springfield, IL 62701
Telephone: 217/782-1809

- G) Related rulemakings and other pertinent information: None

- e) Part(s) (Heading and Code Citation): Special Purpose Permits - 17 Ill. Adm. Code 522

1) Rulemaking:

- A) Description: This new Part establishes the guidelines for obtaining educational and rehabilitation permits.

- B) Statutory Authority: Implementing and authorized by Sections 1-125, 5-5, 20-100 and 20-105 of the Fish and Aquatic Life Code [515 ILCS 5/1-125, 5-5, 20-100 and 20-105] and Sections 2-1, 3-22 and 3-36 of the Wildlife Code [520 ILCS 5/2-1, 3-22 and 3-36].

- C) Scheduled meeting/hearing dates: None

- D) Date agency anticipates First Notice: March 2000

- E) Affect on small businesses, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Name: Jack Price
Address: 524 S. Second Street
Springfield, IL 62701
Telephone: 217/782-1809

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- C) Related rulemakings and other pertinent information: None

- f) Part(s) (Heading and Code Citation): Nuisance Wildlife Control Permits - 17 Ill. Adm. Code 525

1) Rulemaking:

- A) Description: This Part governs the taking, possession, transport, and disposition of Protected Species as defined by Section 2.2 of the Wildlife Code [520 ILCS 5/2.2] which are causing damage to property or a risk to human health or safety and the issuance of Nuisance Wildlife Control permits. Drainage districts controlling beavers under authority of the Wildlife Code [520 ILCS 5/2.37] and recipients of Nuisance Animal Removal Permits are exempt from the provisions of this Part.

- B) Statutory Authority: Implementing and authorized by Section 2.37 of the Wildlife Code [520 ILCS 5/2.37]

- C) Scheduled meeting/hearing dates: None

- D) Date agency anticipates First Notice: March 2000

- E) Affect on small businesses, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Name: Jack Price
Address: 524 S. Second Street
Springfield, IL 62701
Telephone: 217/782-1809

- G) Related rulemakings and other pertinent information: None

- g) Part(s) (Heading and Code Citation): Cock Pheasant, Hungarian Partridge, Bobwhite Quail and Rabbit Hunting - 17 Ill. Adm. Code 530

1) Rulemaking:

- A) Description: The Part contains regulations for Cock Pheasant, Hungarian Partridge, Bobwhite Quail and Rabbit Hunting.

- B) Statutory Authority: Implementing and authorized by Sections 1-3, 1-4, 1-13, 2-1, 2-2, 2-6, 2-7, 2-27, 2-30, 2-33, 3-5, 3-27, 3-28 and 3-29 of the Wildlife Code [520 ILCS 5/1-3, 1-4, 1-13, 2-1, 2-2, 2-6, 2-7, 2-27, 2-30, 2-33, 3-5, 3-27, 3-28 and 3-29].

- C) Scheduled meeting/hearing dates: None

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- D) Date agency anticipates First Notice: March 2000
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
 Name: Jack Price
 Address: 524 S. Second Street
 Springfield, IL 62701
 Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- h) Part(s) (Heading and Code Citation): Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting - 17 Ill. Adm. Code 550

1) Rulemaking:

- A) Description: This Part contains the regulations for hunting raccoon, opossum, striped skunk, red fox, gray fox, coyote and woodchuck (groundhog).
- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].

- C) Scheduled meeting/hearing dates: None

- D) Date agency anticipates First Notice: March 2000

- E) Affect on small businesses, small municipalities or not for profit corporations: None

- F) Agency contact person for information:
 Name: Jack Price
 Address: 524 S. Second Street
 Springfield, IL 62701
 Telephone: 217/782-1809

- G) Related rulemakings and other pertinent information: None

- i) Part(s) (Heading and Code Citation): Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, Beaver and Woodchuck (Groundhog) Trapping - 17 Ill. Adm. Code 570

1) Rulemaking:

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- A) Description: This Part contains the trapping regulations for raccoon, opossum, striped skunk, weasel, red fox, gray fox, coyote, badger, beaver and woodchuck (groundhog) trapping.
- B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 2.30, 2.33 and 3.5].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: March 2000
- E) Affect on small businesses, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Name: Jack Price
 Address: 524 S. Second Street
 Springfield, IL 62701
 Telephone: 217/782-1809

- G) Related rulemakings and other pertinent information: None

- j) Part(s) (Heading and Code Citation): Duck, Goose and Coot Hunting - 17 Ill. Adm. Code 590

1) Rulemaking:

- A) Description: This Part contains the regulations for duck, goose and coot hunting.

- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10], and Migratory Bird Hunting (50 CFR 20, effective September 26, 1990).

- C) Scheduled meeting/hearing dates: None

- D) Date agency anticipates First Notice: March 2000

- E) Affect on small businesses, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

DEPARTMENT OF NATURAL RESOURCES

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Name: Jack Price
Address: 524 S. Second Street
Springfield, IL 62701
Telephone: 217/782-1809

- G) Related rulemakings and other pertinent information: None
- k) Part(s) (Heading and Code Citation): White-Tailed Deer Hunting by Use of Handguns - 17 Ill. Adm. Code 680
- 1) Rulemaking:
- A) Description: This Part contains the regulations for hunting of white-tailed deer by use of handguns.
- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code, [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: March 2000
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
Name: Jack Price
Address: 524 S. Second Street
Springfield, IL 62701
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- 1) Part(s) (Heading and Code Citation): Squirrel Hunting - 17 Ill. Adm. Code 690
- 1) Rulemaking:
- A) Description: This Part contains the regulations for squirrel hunting.
- B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5].
- C) Scheduled meeting/hearing dates: None

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D) Date agency anticipates First Notice: March 2000

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:
Name: Jack Price
Address: 524 S. Second Street
Springfield, IL 62701
Telephone: 217/782-1809

G) Related rulemakings and other pertinent information: None

m) Part(s) (Heading and Code Citation): The Taking of Wild Turkeys - Fall Gun Season - 17 Ill. Adm. Code 715

1) Rulemaking:

A) Description: This Part contains the regulations for turkey hunting for the fall gun season.

B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: March 2000

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:
Name: Jack Price
Address: 524 S. Second Street
Springfield, IL 62701
Telephone: 217/782-1809

G) Related rulemakings and other pertinent information: None

n) Part(s) (Heading and Code Citation): The Taking of Wild Turkeys - Fall Archery Season - 17 Ill. Adm. Code 720

1) Rulemaking:

A) Description: This Part contains the regulations for the taking of wild turkeys during fall archery season.

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B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: June 2000

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:
 Name: Jack Price
 Address: 524 S. Second Street
 Springfield, IL 62701
 Telephone: 217/782-1809

G) Related rulemakings and other pertinent information: None

C) Part(s) (Heading and Code Citation): Dove Hunting - 17 Ill. Adm. Code 730

1) Rulemaking:

A) Description: This Part contains the regulations for dove hunting.

B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: March 2000

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:
 Name: Jack Price
 Address: 524 S. Second Street
 Springfield, IL 62701
 Telephone: 217/782-1809

G) Related rulemakings and other pertinent information: None

P) Part(s) (Heading and Code Citation): Crow, Woodcock, Snipe, Rail and Teal Hunting - 17 Ill. Adm. Code 740

1) Rulemaking:

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A) Description: This Part contains the regulations for hunting crow, woodcock, snipe, rail and teal.

B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.2, 2.18, 2.26, 2.33 and 3.5] and Migratory Bird Hunting [50 CFR 20, August 25, 1987].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: March 2000

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:
 Name: Jack Price
 Address: 524 S. Second Street
 Springfield, IL 62701
 Telephone: 217/782-1809

G) Related rulemakings and other pertinent information: None

Q) Part(s) (Heading and Code Citation): Fish Salvage - 17 Ill. Adm. Code 860

1) Rulemaking:

A) Description: This Part regulates fish salvage. Fish salvage is defined as the removal of imperiled fish populations by methods delineated in 860.30 (b) for personal consumption and/or for commercial sale of commercial species as provided under 17 Ill. Adm. Code 830.

B) Statutory Authority: Implementing and authorized by Section 1-150 of the Fish and Aquatic Life Code [515 ILCS 5/1-150].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: January 2000

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:
 Name: Jack Price
 Address: 524 S. Second Street
 Springfield, IL 62701
 Telephone: 217/782-1809

DEPARTMENT OF NATURAL RESOURCES
JANUARY 2000 REGULATORY AGENDA

- C) Related rulemakings and other pertinent information: None
- r) Part(s) (Heading and Code Citation): Aquaculture, Transportation, Stocking, Importation and/or Possession of Aquatic Life - 17 Ill. Adm. Code 870
- 1) Rulemaking:
- A) Description: This Part lists regulations for the aquiculture, transportation, stocking, importation and/or possession of aquatic life.
- B) Statutory Authority: Implementing and authorized by Sections 1-20, 1-105, 1-125, 1-135, 1-140 and 1-145 of the Fish and Aquatic Life Code [515 ILCS 5/1-20, 1-105, 1-125, 1-135, 1-140 and 1-145]
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: January 2000
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
Name: Jack Price
Address: 524 S. Second Street
Springfield, IL 62701
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- s) Part(s) (Heading and Code Citation): Fish Removal With Chemicals - 17 Ill. Adm. Code 890
- 1) Rulemaking:
- A) Description: This Part regulates the removal of fish with chemicals.
- B) Statutory Authority: Implementing and authorized by Sections 1-135, 1-150 and 5-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-135, 1-150 and 5-5].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: January 2000

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- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
Name: Jack Price
Address: 524 S. Second Street
Springfield, IL 62701
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- t) Part(s) (Heading and Code Citation): Endangered Species and Natural Areas - 17 Ill. Adm. Code 1080
- 1) Rulemaking:
- A) Description: New administrative rule which defines process for identification and designation of natural areas.
- B) Statutory Authority: 20 ILCS 801
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: May 2000
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
Name: Jack Price
Address: 524 S. Second Street
Springfield, IL 62701
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- u) Part(s) (Heading and Code Citation): Conservation Reserve Enhancement Program (CREP) - 17 Ill. Adm. Code 1515
- 1) Rulemaking:
- A) Description: The purpose of this program is to provide long term environmental benefits by allowing 232,000 acres of certain environmentally sensitive lands in the Illinois River Watershed to be restored, enhanced or protected over a period of time from 15 years to perpetuity. The Conservation Reserve Enhancement Program (CREP) will be driven by locally led conservation efforts which show landowner support. This program will be the vehicle

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2000 REGULATORY AGENDA

for a partnership between landowners, governmental entities, and non-governmental organizations in addressing watershed quality problems.

B) Statutory Authority: Implementing and authorized by the Intergovernmental Cooperation Act [5 ILCS 220], the Soil and Water Conservation Districts Act [70 ILCS 405], the Fish and Aquatic Life Code [515 ILCS 5], the Wildlife Code [520 ILCS 5], the Real Property Conservation Rights Act [765 ILCS 120], and the Civil Administrative Code of Illinois (Part 13.5) [20 ILCS 805].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: January 2000

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Jack Price
Address: 524 S. Second Street
Springfield, IL 62701
Telephone: 217/782-1809

G) Related rulemakings and other pertinent information: None

v) Part(s) (Heading and Code Citation): The Forest Products Transportation Act - 17 Ill. Adm. Code 1530

1) Rulemaking:

A) Description: This Part contains the Department's regulations for the transportation of forest products.

B) Statutory Authority: Implementing and authorized by the Forest Products Transportation Act [225 ILCS 740].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: February 2000

E) Affect on small businesses, small municipalities or not for profit corporations: Requires Timber Buyers to complete a Purchase Agreement for Purpose of Transportation form and maintain a daily log.

F) Agency contact person for information:

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2000 REGULATORY AGENDA

Name: Jack Price
Address: 524 S. Second Street
Springfield, IL 62701
Telephone: 217/782-1809

G) Related rulemakings and other pertinent information: None

w) Part(s) (Heading and Code Citation): Timber Buyer Licensing and Harvest Fees - 17 Ill. Adm. Code 1535

1) Rulemaking:

A) Description: All timber buyers shall obtain a license from the Department before engaging in the business of timber buying. This Part contains the regulations governing timber buyer and harvest fees.

B) Statutory Authority: Implementing and authorized by the Timber Buyers Licensing Act [225 ILCS 735].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: February 2000

E) Affect on small businesses, small municipalities or not for profit corporations: Timber buyers must be licensed by the Department. If timber has been purchased during a quarter a form FPF must be completed and provided to the Department.

F) Agency contact person for information:

Name: Jack Price
Address: 524 S. Second Street
Springfield, IL 62701
Telephone: 217/782-1809

G) Related rulemakings and other pertinent information: None

x) Part(s) (Heading and Code Citation): Ginseng Harvest and Commerce Regulations - 17 Ill. Adm. Code 1580

1) Rulemaking:

A) Description: This Part contains the Department's regulations governing ginseng harvest and commerce.

B) Statutory Authority: Implementing and authorized by the Ginseng Harvesting Act [525 ILCS 20].

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- C) Scheduled meeting/hearing dates: None
D) Date agency anticipates First Notice: June 2000

E) Affect on small businesses, small municipalities or not for profit corporations: Ginseng dealers and growers are licensed by the Department and must comply with record keeping procedures.

F) Agency contact person for information:
Name: Jack Price
Address: 524 S. Second Street
Springfield, IL 62701
Telephone: 217/782-1809

G) Related rulemakings and other pertinent information: None

- y) Part(s) (Heading and Code Citation): Falconry and the Captive Propagation of Raptors - 17 Ill. Adm. Code 1590

1) Rulemaking:

A) Description: This Part contains regulations for the possession and/or training of raptors, and for the issuance of licenses or permits to practice falconry and for captive propagation of raptors.

B) Statutory Authority: Implementing and authorized by Sections 1-3, 1-4, 2-1, 2-2, 2-4, 2-6, 2-7, 2-13, 2-18, 2-20, 2-27, 2-28, 2-29, 2-30, 3-5 and 3-36 of the Wildlife Code [520 ILCS 5/1-3, 1-4, 2-1, 2-2, 2-4, 2-6, 2-7, 2-13, 2-18, 2-20, 2-27, 2-28, 2-29, 2-30, 3-5 and 3-36] and Section 5 of the Illinois Endangered Species Protection Act [520 ILCS 10/5].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: June 2000

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:
Name: Jack Price
Address: 524 S. Second Street
Springfield, IL 62701
Telephone: 217/782-1809

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF NATURAL RESOURCES
JANUARY 2000 REGULATORY AGENDA

- z) Part(s) (Heading and Code Citation): Department Formal Hearings Conducted for Rulemaking and Contested Cases - 17 Ill. Adm. Code 2530

1) Rulemaking:

A) Description: This Part governs the practices and procedures related to formal hearings conducted under the jurisdiction of the Department of Natural Resources, including but not limited to, hearings conducted for rulemaking, contested cases and revocation of licenses.

B) Statutory Authority: Implementing and authorized by Section 20-105 of the Fish and Aquatic Life Code [515 ILCS 5/20-105], Section 3.36 of the Wildlife Code [520 ILCS 5/3.36], Sections 4 and 5 of the Illinois Endangered Species Protection Act [520 ILCS 10/4 and 10/5], Section 3B-8 Of the Boat Registration and Safety Act [625 ILCS 45/3B-8] and the Illinois Administrative Procedure Act [625 ILCS 100/1-1 et seq.] and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16], Section 1-125 of the Fish and Aquatic Life Code [515 ILCS 5/1-125], and Section 1.4 of the Wildlife Code [520 ILCS 5/1.4].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice:

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:
Name: Jack Price
Address: 524 S. Second Street
Springfield, IL 62701
Telephone: 217/782-1809

G) Related rulemakings and other pertinent information: None

- aa) Part(s) (Heading and Code Citation): Illinois Oil and Gas Act - 62 Ill. Adm. Code 240

1) Rulemaking:

A) Description: These rules govern the plugging and restoration of oil wells.

B) Statutory Authority: Implementing and authorized by Sections 6 and 8a of the Illinois Oil and Gas Act [225 ILCS 725/6 and 8a].

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- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: February 2000
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
 Name: Peggy Witt
 Address: 524 S. Second Street
 Springfield, IL 62701
 Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of December 14, 1999, through December 20, 1999 and have been scheduled for review by the Committee at its January 12, 2000 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
2/2/00	Board of Higher Education, Graduation Incentive Grants (23 Ill Adm Code 1002)	10/29/99 23 Ill Reg 13174	1/12/00
2/2/00	Department of Natural Resources, Camping on Department of Natural Resources Properties (17 Ill Adm Code 130)	10/15/99 23 Ill Reg 12523	1/12/00
2/2/00	Department of Revenue, Internet Filing of Illinois Individual Income Tax Returns (86 Ill Adm Code 106)	10/29/99 23 Ill Reg 13188	1/12/00

PROCLAMATIONS

99-496 (REVISED)
JOE NEWTON DAY

WHEREAS, since 1954 when he began his high school coaching career at Waterman, Illinois, Joe Newton has held an illustrious career that will end with his 43rd year at York High School; and

WHEREAS, during this time, his track and cross country teams have won a total of 1,903 dual meets for a 95 percent winning mark; and

WHEREAS, more than 106 of Newton's athletes have gone to college on scholarships worth more than \$1 million. Of those 106 students, 10 of them are All-Americans, eight are school Record Holders, 11 are teams Captains, three ran on National Champion Cross Country teams, one was Most Valuable Trackman at West Point, and one graduated #1 in his class at the Naval Academy; and

WHEREAS, Joe Newton is the author of four books, "The Long Green Line", "Motivation: The Name of the Game", "Running To The Top of the Mountain" and "Coaching Cross Country Successfully"; and

WHEREAS, Joe has been the Director of the Keebler International for the last 25 years; National Cross Country Chairman for the National High School Coaches Association from 1981-87; named High School Cross Country Coach of the Year in 1968, '71, '72, '73, '78, '80, '81, '82, '83, '84, '86, '90, '91, '92, '93 and '94 by the Northern Illinois Track Coaches Association; and named Cross Country Coach of the Year in 1971, '72, '73, '78, '80, '81, '83, '84, '86, '89, '90, '91, '92, '93 and '94 by the Illinois Coaches Association; and

WHEREAS, Mr. Newton was the first-ever assistant manager of the 1988 U.S. Men's Olympic Track Team of Seoul, Korea, and will be retiring from York High School; and

WHEREAS, on November 6, 1999, Joe Newton won his 20th State Title at York High School;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 6, 1999, as JOE NEWTON DAY in Illinois.

Issued by the Governor November 5, 1999.
Filed by the Secretary of State November 12, 1999.

99-507

TURKISH REPUBLIC DAY

WHEREAS, Turkey will be celebrating the 76th Anniversary of the "Proclamation of the Turkish Republic" on October 29, 1999; and

WHEREAS, this event has a special significance for all Turkish citizens, as well as the Turkish-American community in Illinois; and

WHEREAS, Turkey continues to be an important strategic ally of the United States, and a significant trading partner of the State of Illinois, while becoming a beacon of peace, secularism, democracy, and economic progress in a region of the world that is still seeking such value;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 29, 1999, as TURKISH REPUBLIC DAY in Illinois.

Issued by the Governor November 4, 1999.
Filed by the Secretary of State November 12, 1999.

99-508

ADOPTION AWARENESS MONTH

WHEREAS, adoption is a rewarding and enriching experience for all involved; and

WHEREAS, an adoptive family provides a child with a stable and loving home; and

WHEREAS, Illinois has become a nationally recognized leader in adoption recruitment, having in the past year nearly doubled the number of adoptions; and

WHEREAS, on any given day about 700 children are awaiting adoption in our State. Among those waiting are African American children of all ages, Caucasian and Latino youngsters primarily of school age, brothers and sisters who want to be adopted together into the same family, and children with special medical, emotional or educational needs; and

WHEREAS, the Illinois Department of Children and Family Services, One Church One Child, the Child Care Association of Illinois, the Adoption Information Center of Illinois, Corporate Partnership for the Recruitment of Adoptive Families, the Village Investment Project, the Illinois Adoptive Parent Organization, and the many other Illinois adoptive parent groups encourage all families to consider adopting a child in need of a home; and

WHEREAS, to draw attention to the need for adoptive families, several activities will be held during November;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 1999 as ADOPTION AWARENESS MONTH in Illinois.

Issued by the Governor November 5, 1999.
Filed by the Secretary of State November 12, 1999.

99-509

ALLIANCE OF POLISH CLUBS DAY

WHEREAS, the Alliance of Polish Clubs was founded in 1929, and it has been assisting those in both Poland and Illinois; and

WHEREAS, members of the Alliance of Polish Clubs do charitable work and promote the rich Polish heritage and culture; and

WHEREAS, the Alliance of Polish Clubs is presenting the Statue "Christ the King" to Kielce, Poland, commemorating the Millennium; and

WHEREAS, Adam Ocytko, President of the Alliance of Polish Clubs, is to be commended for his commitment and dedication to the Polish American community; and

WHEREAS, the 70th Anniversary Committee announce their Gala Banquet Celebration will take place at the Jolly Inn Ballroom in Chicago on November 14, 1999;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 14, 1999, as ALLIANCE OF POLISH CLUBS DAY in Illinois.

Issued by the Governor November 5, 1999.
Filed by the Secretary of State November 12, 1999.

99-510

ARAB AMERICAN MONTH

WHEREAS, citizens of Arab descent have contributed to all walks of life, including government, education, science, culture, business, medicine and the

civic well-being of our nation and our communities; and

WHEREAS, Arab Americans contribute to our society and are notable Americans. Michael DeBakey, the first heart transplant surgeon; John Sununu, Chief of Staff to President Bush; Senator George Mitchell, former majority leader and chief negotiator for Ireland's Peace Conference; Sharon Christa McMuliffe, teacher and American patriot who was among the victims of the Space Shuttle Challenger disaster; Casey Kassem, popular music radio host; Danny Thomas, entertainer and founder of St. Jude Children's Research Hospital; Kathy Najny, movie actress; and many other Arab Americans serve as positive role models in our society; and

WHEREAS, there are more than 400,000 Illinois residents of Arab decent of both Muslim and Christian faiths who call Illinois their home. These citizens proudly share their culture, heritage and talents with our state; and

WHEREAS, the Governor's Office of Ethnic Affairs is sponsoring an Arab American cultural exhibit in the James R. Thompson Center on November 5-19;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 1999 as ARAB AMERICAN MONTH in Illinois.

Issued by the Governor November 5, 1999.

Filed by the Secretary of State November 12, 1999.

99-511

BREATHE DAY

WHEREAS, several urban communities in Illinois do not have the necessary resources for proper asthma management; and

WHEREAS, The BREATHE Program, founded by AstraZeneca in partnership with the Magic Johnson Foundation, will provide information on proper asthma management and supplies to the people of Chicago; and

WHEREAS, the mission of BREATHE is to educate children and parents about the impact of asthma, particularly in urban environments, and to learn more about the prevention and treatment of this chronic condition, with the ultimate goal of helping people with asthma live a better life; and

WHEREAS, The BREATHE Program includes bilingual print and interactive on-line educational materials targeted to children, adolescents, and their families. These materials will be widely distributed to patients through community health organizations, family physicians and respiratory specialists, and other health care delivery settings; and

WHEREAS, asthma is the sixth most common chronic health condition in the United States. An estimated 17 million Americans suffer from asthma and more than five million children under the age of 18 suffer from asthma; and

WHEREAS, African-Americans, Hispanics, and people living in urban environments seem to be at greatest risk for asthma; and

WHEREAS, The BREATHE Program aims to improve asthma awareness among traditionally underserved families; and

WHEREAS, AstraZeneca has contributed a grant to the Chicago Asthma Consortium;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 12, 1999, as BREATHE DAY in Illinois.

Issued by the Governor November 5, 1999.

Filed by the Secretary of State November 12, 1999.

99-512

OR NURSE WEEK

WHEREAS, surgery today is highly technical, sophisticated, and exacting; and

WHEREAS, the perioperative registered nurse in the operating room is highly skilled in providing nursing care and in managing the operating room environment; and

WHEREAS, the surgical patient is going through a major life crisis; and

WHEREAS, the surgical patient needs expert care for his mind and spirit, as well as his body; and

WHEREAS, the perioperative registered nurse is an expert in allaying the patient's fears, preparing the patient for what will happen in the operating room during surgery, discussing how the patient will feel afterwards, and understanding the patient as a total person; and

WHEREAS, the perioperative registered nurse acts as the patient's advocate in the OR during surgery;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 14-20, 1999, as OR NURSE WEEK in Illinois.

Issued by the Governor November 5, 1999.

Filed by the Secretary of State November 12, 1999.

99-513

RETT SYNDROME AWARENESS MONTH

WHEREAS, 10 years ago, the Rett Syndrome Association of Illinois (RSAI) was created to serve as a support system for families with daughters diagnosed with the rare neurological disorder identified as Rett Syndrome (RS); and

WHEREAS, during the month of October the goal of the RSAI is to develop awareness and understanding of RS and further the advancement in research; and

WHEREAS, Rett Syndrome is a neurodevelopment disorder affecting one in every 10,000 females. Girls with RS appear to develop normally until six to 18 months of age. They then enter a period of regression, losing acquired speech and hand skills, and develop seizures, repetitive hand ringing movements, irregular breathing and motor control problems. The girls can live to adulthood, but most never regain the ability to use their hands or speak; and

WHEREAS, the disorder is named after Dr. Andreas Rett, the Austrian physician who identified the syndrome in 1966; and

WHEREAS, on September 30, 1999, a research team at the Howard Hughes Medical Institute, Baylor College of Medicine, traced the cause of RS to a defective gene on the X chromosome. RS is the first human disease found to be caused by mutation of this kind of gene; and

WHEREAS, this is a tremendous discovery for all children diagnosed with Rett Syndrome. It will offer a prenatal test to detect RS in families with an affected daughter. It also will offer a basis for developing strategies to prevent the disabling affects of RS, but most of all, it will offer hope;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 1999 as RETT SYNDROME AWARENESS MONTH in Illinois.

Issued by the Governor November 5, 1999.

Filed by the Secretary of State November 12, 1999.

99-514

YORK COMMUNITY HIGH SCHOOL BOY'S CROSS COUNTRY TEAM DAY

WHEREAS, this season, the York Community High School Boy's Cross Country Team has won the Palatine Invitational, the Peoria Invitational and their 22nd West Suburban Conference Meet. They have also won the Glenbard East Regional event and the Wheaton North Sectional event; and

WHEREAS, according to their coach, Joe Newton, this is the best team he has coached in his illustrious 46 years; and

WHEREAS, the York Community High School Boy's Cross Country Team is comprised of seniors Donald Sage, Peter Cioni, Adam Palumbo, John Janulis and Joe Fisher and juniors Adam Roche, Peter Stasiulis and Jay McGrane; and

WHEREAS, they are good students and outstanding young men who have come together as a team; and

WHEREAS, they are role models for the student body as a whole and their win on November 6 will be York's 20th State Championship;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 6, 1999, as YORK COMMUNITY HIGH SCHOOL BOY'S CROSS COUNTRY TEAM DAY in Illinois.

Issued by the Governor November 5, 1999.

Filed by the Secretary of State November 12, 1999.

99-515

YORK COMMUNITY HIGH SCHOOL GIRL'S CROSS COUNTRY TEAM DAY

WHEREAS, this season, the Lady Dukes have won the Peoria Invitational, the DuPage County Meet, and the West Suburban Conference Title; and

WHEREAS, this is their 1st State Title and the first time in history of the State of Illinois that both the boys and girls cross country teams from the same school clinched both titles; and

WHEREAS, the Lady Dukes, a mix of freshmen, sophomore, juniors and seniors, have helped each other and have exemplified the true meaning of teamwork; and

WHEREAS, team members Kelly Forst, Eva Zellman, Laura Fitzgerald, Allison Billhardt, Maria Cicero, Lori McEllin, Kelly O'Neill and Jamie Virzi have worked extremely hard to achieve this title;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 6, 1999, as YORK COMMUNITY HIGH SCHOOL GIRL'S CROSS COUNTRY TEAM DAY in Illinois.

Issued by the Governor November 5, 1999.

Filed by the Secretary of State November 12, 1999.

99-516

BROOKS ALUMNI DAYS

WHEREAS, an excellent education is needed for knowledge and recreation to prepare for the challenges of the world we live in; and

WHEREAS, education reinforces important skills that help our children further develop into new stages of growth by building their knowledge; and

WHEREAS, learning sets into motion a lifelong pattern of knowledge and discovery which prepares young people for a life of productivity and fulfillment, both for themselves and for the community in which they live; and

WHEREAS, the Village President, Board of Trustees of the Village of Bradley, and the entire community want to help channel students' energy into educational experiences that excite and yield enjoyment, and build knowledge in the children of our community; and

WHEREAS, the expectation of the schools and the community will lead to positive results when all who recognize the importance of an education, work together to make learning an important and enjoyable part of life; and

WHEREAS, Bradley-Bourbonnais Community High School celebrates 50 years of delivering the best educational experience at its current location at 700 West North Street, Bradley, Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 1-9, 1999, as BHCS ALUMNI DAYS in Illinois.

Issued by the Governor November 9, 1999.

Filed by the Secretary of State November 12, 1999.

99-517

GEOGRAPHY AWARENESS WEEK AND GIS DAY

WHEREAS, geography has played a defining role in the settlement, history and cultural heritage of the State of Illinois; and

WHEREAS, attention and education must be focused on the integral role that knowledge of the world geography plays in preparing citizens for an increasingly interdependent and interconnected world; and

WHEREAS, an understanding of geographical concepts is crucial to maintain a balance between the wise use of the state's natural resources, continued economic prosperity, and the general health and well-being of the state's citizens; and

WHEREAS, the coordination, use, and exchange of geographic information are essential for effective decision making by local, state and federal governmental agencies as well as private industry; and

WHEREAS, computerized Geographic Information System (GIS) technology provides a more efficient and effective means for managing information as compared with traditional mapping methods; and

WHEREAS, extensive efforts are underway in various public and private agencies and organizations throughout the United States and the world to develop, incorporate and utilize GIS technology; and

WHEREAS, there is a need to coordinate these efforts to minimize duplication, reduce costs, develop standards, and to facilitate the sharing and interchange of GIS data, methods and knowledge amongst entities developing GIS applications and databases; and

WHEREAS, the Illinois Geographic Information Council (ILGIC) is an oversight and leadership body to coordinate geographic information, development, maintenance, integration and access in Illinois; and

WHEREAS, there is a need to promote GIS awareness, education and technical training among various groups to most appropriately and wisely utilize this technology;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 15-19, 1999, as GEOGRAPHY AWARENESS WEEK in Illinois and November 19, 1999, as GIS DAY in Illinois.

Issued by the Governor November 10, 1999.

Filed by the Secretary of State November 12, 1999.

99-518

LOWERY COLEMAN DAY

WHEREAS, the Zion Baptist Church Family is honoring Mr. Lowery Jerome

Coleman as Church Organist Emeritus. The theme for this event is "A Tribute to the Legacy of Lowery Coleman: A Joyful Sound"; and

WHEREAS, Mr. Coleman was a hard working employee of the State of Illinois for about 30 years under many Secretaries of State; and

WHEREAS, Mr. Coleman has also faithfully served the Zion congregation as organist for some 25 years; and

WHEREAS, for the past 35 years, Mr. Coleman has provided a special quality of music for the members of his church, his community and many civic events throughout Springfield; and

WHEREAS, Mr. Coleman's musical contributions have made a positive difference in our community;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 21, 1999, as **LOWERY COLEMAN DAY** in Illinois.

Issued by the Governor November 10, 1999.

Filed by the Secretary of State November 12, 1999.

99-519

RESTORATIVE JUSTICE WEEK

WHEREAS, the Restorative Justice Ministry Network of North America's mission is "networking with individuals and organizations to collaborate in creating and implementing Biblical solutions to the Criminal Justice mission field"; and

WHEREAS, Restorative Justice Ministries, established in 1995, is a ministry of volunteers committed to the development and implementation of local criminal justice ministries; The network was founded to recruit, train and equip volunteers from all denominations for ministry in and outside of prison; and

WHEREAS, Restorative Justice for Illinois was created in November 1997 to promote and implement Restorative Justice in Illinois; and

WHEREAS, the third week in November, Restorative Justice Ministries across the United States are working to create a greater understanding of Restorative Justice;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 14-20, 1999, as **RESTORATIVE JUSTICE WEEK** in Illinois.

Issued by the Governor November 12, 1999.

Filed by the Secretary of State November 22, 1999.

99-520

CHICAGO LATINO BOOK AND FAMILY FESTIVAL DAYS

WHEREAS, the fourth annual Chicago Latino Book and Family Festival is featuring events showcasing the diversity of our cultures; and

WHEREAS, the village concept used in this year's Festival ensures that each family member will find something suiting that member's interest. The villages include the Book Village, the Career/Education Village, the Culture Village, and many other villages and performance stages to promote fun and education for everyone involved with the festivities; and

WHEREAS, other activities showcased at the Festival are the Science and Discovery Area, Youth and Adult Art Exhibition, and a Kid's Play Area; and

WHEREAS, this year's Festival will be held from November 20th to November 21st at Sportsman's Park in Cicero;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 20-21, 1999, as **CHICAGO LATINO BOOK AND FAMILY FESTIVAL DAYS** in

Illinois.

Issued by the Governor November 16, 1999.

Filed by the Secretary of State November 22, 1999.

99-521

COLES COUNTY SOIL AND WATER CONSERVATION DISTRICT DAY

WHEREAS, the Coles County Soil and Water Conservation District was formed in 1949 under the leadership of Mr. Harley Stull and Mr. Clifford Holman; and

WHEREAS, the District works to protect natural resources through a variety of soil conservation and water quality protection programs; and

WHEREAS, the District staff provide landowners with information and technical assistance to prevent and correct natural resource related problems; and

WHEREAS, the District assists farmers in developing conservation plans designed to prevent soil loss, reduce nutrient runoff from fields, manage animal waste, and otherwise operate in an environmentally sound manner; and

WHEREAS, the District helps conduct an annual soil erosion survey to track progress toward the goal of achieving tolerable soil loss on Illinois cropland by the year 2000; and

WHEREAS, the leadership of the Coles County Soil and Water Conservation District and voluntary efforts of county landowners have brought more than 90 percent of Coles County cropland below the tolerable soil loss benchmark; and

WHEREAS, the District has been the leader in organizing pooled orders for fish and trees, thereby providing an economical way for landowners to stock ponds, plant windbreaks, and improve wooded areas; and

WHEREAS, the District helps promote sound stewardship among youths by giving each third grade school student in the county a tree on Arbor Day;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim, November 30, 1999, as **COLES COUNTY SOIL AND WATER CONSERVATION DISTRICT DAY** in Illinois.

Issued by the Governor November 16, 1999.

Filed by the Secretary of State November 22, 1999.

99-522

HOME CARE MONTH

WHEREAS, daily, thousands of home care professionals and volunteers in more than 400 home care agencies across Illinois blend compassionate care and technological advances to assure the futures and brighten the lives of patients; and

WHEREAS, home care is a possible option of health care delivery among disabled, elderly, and chronically ill individuals eager to live independently in their own homes; and

WHEREAS, home care in Illinois is a growing alternative to hospitalization for acute and chronic illnesses, serving more than 200,000 patients each year; and

WHEREAS, these dedicated home care professionals and volunteers form a support network that will continue to play a vital role in health care delivery for the state's aging population into the next century; and

WHEREAS, the Illinois Home Care Council will be holding a legislative dinner on November 19th;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 1999 as HOME CARE MONTH in Illinois.
 Issued by the Governor November 16, 1999.
 Filed by the Secretary of State November 22, 1999.

99-523

FAMILY FEDERATION FOR WORLD PEACE AND UNIFICATION DAY

WHEREAS, just as love within the family is the cornerstone of a society and the Family Federation for World Peace and Unification (FFWPU) believes that empowering the family's moral leadership of society is fundamental to society's well-being; and

WHEREAS, healthy families are the foundation for healthy, well-adjusted nations because the values that promote peace in the world community are a direct extension of the values that promote peace within individual families; and

WHEREAS, promoting the development of such families is the central task of the Family Federation. A society made up of families that follow this standard has the capacity to overcome even the deepest and most pervasive social problems; and

WHEREAS, throughout the 1990's thousands of couples throughout the great State of Illinois have re-dedicated their marriages and their eternal commitments to their spouses and families; and

WHEREAS, the International President of the Family Federation for World Peace and Unification will be addressing the Midwestern Delegates at the 3rd annual True Family Values Banquet at the Westin O'Hare Hotel on Saturday, November 20, 1999; and

WHEREAS, the occasion of your annual convention is also the opportunity for the organization to celebrate the 80th birthday of the International founder;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 20, 1999, as FAMILY FEDERATION FOR WORLD PEACE AND UNIFICATION DAY in Illinois.

Issued by the Governor November 17, 1999.

Filed by the Secretary of State November 22, 1999.

99-524

SPECIAL SESSION OF 91ST GENERAL ASSEMBLY CALLED

WHEREAS, on January 1, 1995, Public Act 88-680 entitled "AN ACT to create a Safe Neighborhoods Law" became effective; and

WHEREAS, Public Act 88-680 contained a significant number of criminal offense penalty enhancements, new criminal offenses and juvenile delinquency provisions; and

WHEREAS, on December 2, 1999, the Illinois Supreme Court in *People v. Cervantes*, Docket No. 87229, ruled that Public Act 88-680 violates the single subject clause of the Illinois Constitution (Article IV, Section 8 (d)) and is unconstitutional in its entirety; and

WHEREAS, in the event the Illinois Supreme Court denies the Attorney General's Petition for Rehearing, the provisions of Public Act 88-680 cannot be applied to criminal and juvenile offenses until reenacted into law; and

WHEREAS, it is essential that the provisions of Public Act 88-680 be reenacted before the Illinois General Assembly returns for regular session on

January 12, 2000, so that the criminal offenses and enhanced penalties can be applied to criminal acts committed between the effective date of the reenactment and the year 2000 Legislative Session;

THEREFORE, pursuant to Article IV, Section 5(b) of the Illinois Constitution of 1970, I, George H. Ryan, Governor of the State of Illinois, hereby call and convene the 91st General Assembly in special session to commence on December 13, 1999, at 1:00 p.m., to consider only the reenactment of provisions contained in Public Act 88-680 (as subsequently amended); such special session shall be limited to the consideration of House Bill 2711 and Senate Bill 391 now pending before the General Assembly and which have been recommended for this purpose by a Task Force convened by the Attorney General at my request.

Issued by the Governor December 9, 1999.

Filed by the Secretary of State December 9, 1999.

99-525

ETHNIC MUSEUM DAY IN ILLINOIS

WHEREAS, the Mexican Fine Arts Center Museum became the first Latino museum in the nation to be accredited, and since first opening its doors in 1987, the museum is the nation's largest and the Midwest's only Mexican museum; and

WHEREAS, the DuSable Museum of African-American History was founded by Dr. Margaret Burroughs in 1961 and is the first African American museum in the United States with a collection of more than 100,000 exhibits; and

WHEREAS, the Norwegian Norsk Museum is located in Norway, Illinois, which is the oldest Norwegian settlement in the United States; and

WHEREAS, the Polish Museum of America, established in 1935, is one of the oldest and largest ethnic museums in the United States with one of the permanent collections being the renowned Paderewski Room; and

WHEREAS, some of the Native American museums in Illinois include the Mitchell Museum of the American Indian and the Dickson Mounds State Museum which represents the many Native American cultures of North America; and

WHEREAS, more than 30 ethnic museums will participate in the Governor's tribute to ethnic museums including the Czechoslovak Heritage Museum, Swedish American Museum, Ukrainian National Museum, Scottish American Museum, Latvian Folk Art Museum, Mesopotamia Museum, Greek Museum and Cultural Center, Italian Culture Center, Balzeas Museum of Lithuanian Culture, Danube Swabian Museum, African American Hall of Fame Museum, Irish American Heritage Center Museum and Slovenian Heritage Museum; and

WHEREAS, the board of directors, staff, volunteers and supporting members of the community of all the ethnic museums in Illinois can be commended for their dedication and commitment in preserving ethnic history and promoting ethnic heritage, tradition and culture;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 19, 1999, as ETHNIC MUSEUM DAY IN ILLINOIS in Illinois.

Issued by the Governor November 18, 1999.

Filed by the Secretary of State December 13, 1999.

99-526

HEPATITIS C AWARENESS MONTH

WHEREAS, nearly four million Americans are chronically infected with hepatitis C; and

WHEREAS, approximately 85 percent of all Americans infected with the hepatitis C virus become chronically ill; and

WHEREAS, the National Institute of Health has determined chronic viral hepatitis C to be a major public health issue; and

WHEREAS, in the absence of a vaccine, emphasis must be placed in the other means of disease prevention; and

WHEREAS, the Chicago Chapter of American Liver Foundation is dedicated to fully informing the public about hepatitis C to help prevent its spreading; and

WHEREAS, on a national level, the American Liver Foundation recently held its fourth annual conference in the nation's capital. An entire day was devoted to lobbying Capital Hill for increased funds for research, education, and awareness for liver diseases and organ and tissue donation;

WHEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 1999 as HEPATITIS C AWARENESS MONTH in Illinois.

Issued by the Governor November 18, 1999.

Filed by the Secretary of State December 13, 1999.

99-527

AIDS AWARENESS DAY

WHEREAS, the Joint United Nations Programme on HIV/AIDS (UNAIDS) observes December 1 of each year as World AIDS Day, a day to expand and strengthen worldwide efforts and awareness; and

WHEREAS, the American Association for World Health is encouraging a better understanding of the challenge of HIV/AIDS nationally, as the number of people diagnosed with HIV and AIDS in the United States continues to increase with 688,200 AIDS cases reported as of December 1998; and

WHEREAS, UNAIDS estimates that 33.4 million people are currently living with HIV/AIDS with young people under the age of 25 accounting for more than half of all new infections; and

WHEREAS, in Illinois, the number of AIDS cases has reached nearly 23,000, of whom nearly 20 percent are 29 years of age or younger; and

WHEREAS, the 1999 World AIDS Day theme, "AIDS - End the Silence. Listen, Learn, Live!," focuses on opening communication about HIV/AIDS, especially among young people to confront the ignorance, misinformation, fear and discrimination that perpetuate the spread of this disease; and

WHEREAS, this day in Illinois is commemorated by a number of events across the state, including the dimming of lights atop the Illinois State Capitol and the James R. Thompson Center in Chicago during the evening hours, coinciding with the dimming of the lights of the White House, to remember those infected with and affected by HIV and AIDS;

WHEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim December 1, 1999, as AIDS AWARENESS DAY in Illinois.

Issued by the Governor November 22, 1999.

Filed by the Secretary of State December 13, 1999.

99-528

REVEREND DR. LOUIS RAWLS DAY

WHEREAS, Reverend Dr. Louis Rawls is one of the oldest pastors in the City of Chicago and has been pastoring longer than any living pastor in Chicago; and

WHEREAS, Dr. Rawls was born into a family of humble means yet filled with

great love. He is one of nine children born to James and Louiza Rawls. Dr. Rawls later married and had three children of his own; and

WHEREAS, though Dr. Rawls did not begin his education until he was 15, he now has earned eight degrees and numerous honorary degrees from colleges and universities across the United States; and

WHEREAS, Dr. Rawls began his ministry at Shiloh Baptist Church on Mother's Day, 1932. Dr. Rawls also served as minister to Canaan Baptist Church until he began his services at Tabernacle Missionary Church in 1941; and

WHEREAS, Dr. Rawls has been pastor of the Tabernacle Missionary Baptist Church for the past 58 years; and

WHEREAS, Dr. Rawls is an advocate for human rights. He has worked with the NAACP, Chicago Urban League and National Rainbow/PUSH Coalition. He also has walked with great men such as the Reverend Dr. Martin Luther King, Jr.; and

WHEREAS, the Reverend Dr. Louis Rawls is being honored for the great works he has done in his 94 years of life to bring help to those in need and share his faith in God;

WHEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 27, 1999, as REVEREND DR. LOUIS RAWLS DAY in Illinois.

Issued by the Governor November 23, 1999.

Filed by the Secretary of State December 13, 1999.

99-529

EMPLOYMENT SERVICE MONTH

WHEREAS, the roots of state employment services -- the matching of workers to employers -- go back to the last century; and

WHEREAS, Illinois was the fifth state to offer free worker placement, beginning in 1899, to assist veterans of the Spanish American War; and

WHEREAS, during the Great Depression of the 1930s, U.S. Wagner Peyser legislation redirected the nation's employment services into a weapon against the scourge of massive unemployment among the general population; and

WHEREAS, that employment services, as recommissioned in 1933, continues to serve Illinois by matching the needs of businesses for workers with individual skills of job seekers as part of the Illinois Department of Employment Security (IDES); and

WHEREAS, in the last 10 years, nearly one million Illinois men and women have found work through the employment service; and

WHEREAS, IDES is adapting its employment service to the changing needs of a global marketplace by developing a 24 hours a day, seven days a week Internet system to be available to match employers needing workers with individuals looking for jobs on the basis of skills; and

WHEREAS, employment services is one of many workforce development programs and activities offered by various agencies to Illinoisans through the statewide network of customer-friendly, one-stop career centers known as Illinois Employment and Training Centers; and

WHEREAS, the 100th Anniversary of the Illinois Employment Service is an event worthy of recognition and public celebration;

WHEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim December 1999 as EMPLOYMENT SERVICE MONTH in Illinois.

Issued by the Governor November 29, 1999.

Filed by the Secretary of State December 13, 1999.

99-530

KING BHUMIBOL ADULYADEJ DAY

WHEREAS, this year, His Majesty King Bhumibol Adulyadej of Thailand, who was born December 5, 1927, in Cambridge, Massachusetts, will celebrate his 72nd birthday; and

WHEREAS, for more than 50 years now, His Majesty King Bhumibol Adulyadej, in his own way, gives meaning to the function of the Throne of Thailand under a constitutional system; and

WHEREAS, his dedication to the welfare of his people has become so apparent and encouraging to all people in all walks of life, that they respond to him and to his generosity in an equally dedicated manner; and

WHEREAS, if there is joy or celebration, the King is there to bless the joy and share in the celebration; and

WHEREAS, if there is distress or sorrow, the King is there to soothe, to assist and to strengthen; and

WHEREAS, this is His Majesty's 6th Cycle Birthday and this year's celebration holds a special significance for the Thai people all over the world; and

WHEREAS, the Thai Association Foundation of Illinois will celebrate its annual dinner in honor of the His Majesty King Bhumibol Adulyadej's birthday on Saturday, December 4, 1999;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim, December 4, 1999, as KING BHUMIBOL ADULYADEJ DAY in Illinois.

Issued by the Governor November 29, 1999.

Filed by the Secretary of State December 13, 1999.

99-531

PEARL HARBOR REMEMBRANCE DAY

WHEREAS, on December 7, 1941, the Imperial Japanese Navy and Air Force attacked units of the Armed Forces of the United States stationed at Pearl Harbor, Hawaii; and

WHEREAS, more than 2,000 American citizens were killed and more than 1,000 citizens were wounded in the attack; and

WHEREAS, the attack on Pearl Harbor marked the entry of the U.S. into World War II; and

WHEREAS, the veterans of World War II and all of the other citizens of the United States commemorate December 7 in remembrance of the attack on Pearl Harbor; and

WHEREAS, this observance of the attack will instill in all of the people of the United States a greater understanding and appreciation of the selfless sacrifices of the individuals who served in the Armed Forces of the United States during World War II;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim December 7, 1999, as PEARL HARBOR REMEMBRANCE DAY in Illinois.

Issued by the Governor November 29, 1999.

Filed by the Secretary of State December 13, 1999.

99-532

INTERNATIONAL HOUSEWARES WEEK

WHEREAS, the Board of Directors of the National Housewares Manufacturers Association has chosen Illinois for its 103rd International Housewares Show; and

WHEREAS, Illinois has hosted the nation's premier housewares show since 1939; and

WHEREAS, the American housewares industry represents \$63 billion in annual retail sales and is actively involved in export activities; and

WHEREAS, the National Housewares Manufacturers Association's 2000 International Housewares Show is the largest U.S. marketplace for the buying and selling of housewares products; and

WHEREAS, the world's largest "housewares-only" exposition brings 12,000 U.S. buyers and 5,000 buyers from 103 other countries to Illinois to purchase goods from 1,900 housewares exhibitors; and

WHEREAS, the International Housewares Show attracts more than 60,000 people to Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim January 16-19, 2000, as INTERNATIONAL HOUSEWARES WEEK in Illinois.

Issued by the Governor December 1, 1999.

Filed by the Secretary of State December 13, 1999.

99-533

OPTICIANS MONTH

WHEREAS, good vision immeasurably improves the quality of life enjoyed by our citizens who see better than ever before in history; and

WHEREAS, the allied health professionals known as dispensing opticians are an integral part of the vision care delivery and provide the technical expertise and skill needed to fabricate and fit eyeglasses, contact lenses and low vision aids to make the best vision possible; and

WHEREAS, dispensing opticians through programs of state licensure and national certification demonstrate their superb qualifications as member of vision care delivery; and

WHEREAS, dispensing opticians enhance competition within the optical industry and assure that Illinois consumers receive vision correction products and services from a provider of their choice; and

WHEREAS, dispensing opticians assure that eyewear is available within a wide range of types and brands to fit every consumer's taste and economic means; and

WHEREAS, Illinois' dispensing opticians are joining with the Opticians Association of America to observe January 2000 as National Opticians Month;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim January 2000 as OPTICIANS MONTH in Illinois.

Issued by the Governor December 1, 1999.

Filed by the Secretary of State December 13, 1999.

99-534

JOHN WOOD COMMUNITY COLLEGE 25TH ANNIVERSARY DAY

WHEREAS, John Wood Community College is celebrating its 25th anniversary; and

WHEREAS, during the past 25 years, John Wood Community College (JWCC) has been of service to Illinois by bringing residents of Quincy educational opportunities; and

WHEREAS, more than 2,400 students are enrolled in credit classes, and 5,000 students are enrolled in non-credit activities for the 1999 spring semester at JWC. More than 45,000 district residents have attended JWC in the past 25 years; and

WHEREAS, the faculty and staff have worked hard at being student-oriented and interested in the students' success; and

WHEREAS, the staff and trustees are holding a holiday celebration of 25 years of excellence on December 18;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim December 18, 1999, as JOHN WOOD COMMUNITY COLLEGE 25TH ANNIVERSARY DAY in Illinois.

Issued by the Governor December 2, 1999.

Filed by the Secretary of State December 13, 1999.

99-535

LAKE COUNTY FOREST PRESERVES DAY

WHEREAS, forest preserves offer innovative educational, recreational and cultural opportunities that reflect a commitment to environmental and fiscal responsibilities; and

WHEREAS, with nearly 21,000 acres, the Lake County Forest Preserves are a dynamic and unique system of natural and cultural opportunities that reflect a commitment to environmental and fiscal responsibilities; and

WHEREAS, last October, Lake County Forest Preserve District was named the 1999 National Gold Medal Grand Award Winner by the National Recreation and Park Association and the National Sporting Good Association's Sports Foundation. There is no higher recognition in the park, conservation and recreation field than being named the National Gold Medal Grand Award Winner; and

WHEREAS, this was the fourth consecutive year that Lake County Forest Preserves was selected as one of the four nationwide finalists for this award; and

WHEREAS, a National Gold Medal Grand Award winner celebration is being held at the Thunderhawk Golf Club on December 15;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim December 15, 1999, as LAKE COUNTY FOREST PRESERVES DAY in Illinois.

Issued by the Governor December 2, 1999.

Filed by the Secretary of State December 13, 1999.

99-536

COMPREHENSIVE HEALTH INSURANCE DAY

WHEREAS, basic health care is a fundamental need for all people regardless of medical condition or well being; and

WHEREAS, the Illinois Comprehensive Health Insurance Plan (CHIP) has provided health insurance coverage to more than 15,000 Illinoisans who otherwise would have gone uninsured; and

WHEREAS, many Illinois citizens lose coverage after exhausting their coverage and the Illinois Comprehensive Health Insurance Plan has helped for the past 10 years; and

WHEREAS, upon its 10th anniversary, and as part of its mission, the Illinois Comprehensive Health Insurance Plan will begin a public awareness campaign to inform all Illinois residents of the health insurance availability provided by

CHIP; and

WHEREAS, the CHIP members, staff and various government officials will celebrate the 10th anniversary of the plan with a gala reception on Thursday, December 16, 1999, at the Western Hotel in Chicago;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim December 16, 1999, as COMPREHENSIVE HEALTH INSURANCE DAY in Illinois.

Issued by the Governor December 3, 1999.

Filed by the Secretary of State December 13, 1999.

99-537

EXCEPTIONAL CHILDREN'S WEEK

WHEREAS, children with exceptionalities may be identified as children having superior intellectual abilities and rare creative talents, mental disabilities, hearing loss, deafness, orthopedic impairment, speech impairment, serious emotional disturbance or learning disabilities who require special education and related services; and

WHEREAS, educators have developed instructional and educational materials and programs enabling individuals with exceptionalities to develop academic, social and vocational skills to use in coping with today's world; and

WHEREAS, the disabling tendency of an exceptionalality can be prevented by properly trained professionals in conjunction with community awareness, knowledge and interest in and understanding of exceptional individuals; and

WHEREAS, being consistent with demographic ideals, it is essential that all children, regardless of their differences, receive an equal opportunity to an education; and

WHEREAS, The Council for Exceptional Children, a professional organization that promotes the advancement and education of all exceptional infants, toddlers, children and youth, has helped and will continue to help make advancement in the field of special education;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 7-13, 2000, as EXCEPTIONAL CHILDREN'S WEEK in Illinois.

Issued by the Governor December 3, 1999.

Filed by the Secretary of State December 13, 1999.

99-538

LINCOLN FOUNDATION FOR BUSINESS EXCELLENCE DAY

WHEREAS, the mission of the Lincoln Foundation is "to be the catalyst to help Illinois organizations achieve excellence" across this great state in the sectors of industry, service, health care, government and education; and

WHEREAS, the Lincoln Foundation has recognized and will be recognizing organizations in all five sectors, including several state agencies, that have achieved various levels of excellence; and

WHEREAS, the Office of the Governor of the State of Illinois recognizes the Lincoln Foundation, its volunteers and financial sponsors to the advancement of excellence; and

WHEREAS, the Lincoln Foundation for Business Excellence is celebrating its fifth-year anniversary;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim December 8, 1999, as LINCOLN FOUNDATION FOR BUSINESS EXCELLENCE DAY in Illinois.

Issued by the Governor December 3, 1999.

Filed by the Secretary of State December 13, 1999.

99-539

MAKE-A-WISH DAY

WHEREAS, Make-A-Wish Foundation of Northern Illinois' mission is increasing the happiness of children who must bear the burden of illness just as they begin to dream; and

WHEREAS, since the establishment of Chapter 45, the Make-A-Wish Foundation of Northern Illinois, in October 1985 thousands upon thousands of children between the ages of two and 18 years, who are battling life-threatening illnesses, have had their cherished wishes fulfilled, including traveling to Disney World and Hawaii, meeting celebrities, adding a room to their home, swimming with dolphins, and appearing in a Seventeen magazine photo shoot; and

WHEREAS, last year in northern Illinois 346 children saw their wishes fulfilled through the foundation's fund-raising activities and through the generous contributions of individuals and corporations; and

WHEREAS, on Sunday, December 12, 1999, the Make-A-Wish Foundation of Northern Illinois will reconnect the volunteers and Wish Kids of 1999 on the Odyssey Cruise;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim December 12, 1999, as MAKE-A-WISH DAY in Illinois.

Issued by the Governor December 6, 1999.

Filed by the Secretary of State December 13, 1999.

99-540

SALENSENSE DAY

WHEREAS, Onyx Publishing Group is launching a national monthly journal, "Salonsense," featuring the most technologically advanced and innovative hair care product lines, services and information; and

WHEREAS, Salonsense will serve as a reference source for over 30,000 students and practitioners of cosmetology in the State of Illinois and across the nation; and

WHEREAS, Salonsense is dedicated to informing, educating, motivating and entertaining the its consumers by providing the full service salon industry with a complete set of technical and business-building tools;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim December 10, 1999, as SALENSENSE DAY in Illinois.

Issued by the Governor December 8, 1999.

Filed by the Secretary of State December 13, 1999.

99-541

PROBATION AND PAROLE OFFICERS' WEEK

WHEREAS, probation and parole officers are an essential part of the criminal justice system, and the State of Illinois has more than 2,900 adult and juvenile parole officers; and

WHEREAS, probation and parole officers uphold the law with dignity, while recognizing the right of the public to be safe-guarded from criminal activity; and

WHEREAS, probation and parole officers are responsible for supervising adult and juvenile offenders in the community; and

WHEREAS, probation and parole officers are trained professionals who provide services and referrals for offenders, and probation and parole officers work in partnership with community agencies and groups; and

WHEREAS, probation and parole officers promote prevention, intervention and advocacy; and

WHEREAS, probation and parole officers provide services, support, and protection for victims; and

WHEREAS, probation and parole officers advocate community and restorative justice;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 23-29, 2000, as PROBATION AND PAROLE OFFICERS' WEEK in Illinois.

Issued by the Governor December 9, 1999.

Filed by the Secretary of State December 13, 1999.

99-542

THE MILLENNIUM CELEBRATION

WHEREAS, people throughout the world will recognize this Millennium Celebration in Peoria, as a milestone in the course of human progress; and

WHEREAS, citizens are participating in a number of activities designed to recall the accomplishments of the past, aspirations of the future; and

WHEREAS, the Millennium Celebration Committee, designated to lead the County of Peoria in accomplishing these activities, will coordinate citizens' efforts as we move into the 21st century, the Third Millennium; and

WHEREAS, to celebrate the millennium, a dramatic pageant presenting our past, present and future with fireworks and all the trimmings will occur the evening of Wednesday, December 29, 1999;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim January 7, 2000, as THE MILLENNIUM CELEBRATION in Illinois.

Issued by the Governor December 9, 1999.

Filed by the Secretary of State December 13, 1999.

Rules cited upon during the calendar quarter from Issue 1 through Issue 16 are listed in the Issues Index by Title number, Part number and issue number. For example, 50 Ill. Adm. Code 200 published in Issue 1 will be listed as 50-2500-1. The letter "R" designates a rule that is being repeated. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-762-4414 or jraliale@ccgate.sos.state.il.us (Internet address).

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2-1610-1
59-350-1
80-1540-1
83-726-1
89-120-1
89-682-1

ADOPTED

2-1125-1
2-2375-1
17-1800-1
38-1000-1
38-1050-1
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